# HISTORY OF THE INDIAN NATIONAL CONGRESS

PATTABHI SITARAMAYYA

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# History of the

# Indian National Congress

## VOLUME II

(1935—1947)

*BY*

B. PATTABHI SITARAMAYYA

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To
Truth and Non-violence
whose embodied spirit
hath
guided the destinies
of
The Congress
and
in whose service
Innumerable sons and daughters
of
Hindustan
have cheerfully made
heavy sacrifices
for
The Emancipation
of
Their Motherland

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# FOREWORD

The Second Volume of the History of the Congress is but the sequel to the first.

In the life of an individual, the landmarks of Golden Jubilee or Diamond Jubilee indicate his advancing years and what is the same, his diminishing expectation. Not so with Institutions which have no limits of age. They have only a beginning and no end. Is the Congress such an institution ? No, though it is an organization, it is more like an organism, an individual, for it was brought into being in 1885 for a set purpose. With the fulfilment of its purpose, the need for its continued existence will vanish. It is really time that after sixty years' striving, the Congress disappeared as a fighting body, wedded to the task of emancipating India from foreign rule. Unfortunately however, such a fulfilment of purpose has not crowned as yet its strenuous activities. It is hoped that before reaching its *Platinum* Jubilee, whenever that may be (shall we say at the age of seventy), the Congress will have finished its allotted task.

These thousand and odd pages were written up during the abundant leisure which jail life gave the writer in 1941, and 1942 to 1945. While leisure was a real advantage, the task of writing contemporary history was by no means enviable. The first thing that suffers in it is the sense of proportion. Annals that appear at the time to carry appreciable importance, suddenly lose all value and even integrity. The annalist, therefore, that hugs what he has written, makes a poor historian and it was with this fact clearly in mind that twice as much material as has been printed was mercilessly if somewhat regretfully rejected, even so the voluminousness of the publication on hand has compelled the omission of valuable documents from its pages.

To the student of history who would like to make a close study of events during the past decade, a set of Congress Bulletins would make a valuable annexe to this volume. One need hardly commend that monumental publication of *Gandhi's Replies* to the Government's pamphlet on *Congress Responsibility for Disturbances* as a necessary aid to a fuller and better understanding of the subject. It has not been possible to give a full summary of the events that followed the August Resolution. The information is yet to be gathered, if it ever is destined to be gathered. Much the most interesting study centres round the warfare between the Judiciary and the Executive. The *Hindustan Times* has already published a bulky volume dealing with the connected cases. Besides, the events of the period have been dealt with subject by subject or in the aggregate by numerous writers. These pages deal with the period from the standpoint of the Congress. One should have loved to add chapters on Finance, Commerce and Industries, the programme of National Reconstruction and so on. A chapter on the States would have been not only relevant but a necessary complement to the publication, while that all-absorbing subject of Congress-League relations has developed into such portentous proportions that it demands a separate publication for itself. Nor could one appropriately or without a tear, omit a detailed study of the man-made famine of food and clothing in Bengal and Orissa. But there is an element of doubt about the direct relationship of these subjects to the Indian National Congress except in a negative way. These and several

other subjects would make appropriate chapters of the "History of our own Times" not so of "the History of the Congress."

This foreword may not be concluded without a word of appreciation of and thanks for the arduous service rendered by Shree K. V. R. Sanjiva Rao and V. Vittal Babu B.A., two young friends whose co-operation has been really invaluable to the writer. To write is easy, even as it is to build, but the task of finishing demands a measure of attention and energy which only the youth can give.

New Delhi, *December*, 1946. B. Pattabhi Sitaramayya

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# PREFACE

THE history of the Congress is essentially a human history. How shall we conceive it 'as a record' in the words of Gibbon, 'of the crimes, follies and misfortunes of mankind?' Of these there was abundance in India during the period covered. Or shall we describe History with Lord Balfour 'as a brief and discreditable episode in the cooling off of one of the minor planets'? Of the two we had enough. Or shall we say with Acton that the plot of the whole story is the struggle of the spirit of man towards the achieving of some great purpose which Acton called "Freedom." Yes—freedom is the desire of the spirit, it is the cherished object of the Congress and if the Congress has imposed on its votaries a programme of service and suffering, it is to achieve this freedom in full, which it chose to achieve by inviting all the while suffering on itself, and through it by convincing the enemies of the justice of its cause. All this is true, but the question arises as to when and how one should write History, in a hurry or at leisure.

Walter Elliot has said "Journalism is not literature; that is its justification and its strength;" it is a contemporary record; its awareness of the future is that of men and women of its time, neither more nor less. Hence its value to the Historian. It is perhaps history in a hurry. It has been well said that current historians are usually in a hurry both to keep up with the events and to get the Royalties. 'Respectable authors' wish to speak kindly of many things for many reasons, personal prejudices, loyalties, gratitude for facilities, the wish to please readers. Anyway the author generally has a limited view, whether high-up or low-down. It is hard to see the present focus, the old idea of waiting for 20 years is unsound, you can see the truth easier now than later provided you can get at essential facts. But in big events some of these facts depend upon an ability to speak out which depends upon suitable data. Antiquated laws of libel prevent detailed, unfavourable comment especially on motives. It may be even difficult to report finer shades of anonymous private opinion as every one well knows.

"Great events", it has also been said, "leave behind their trails of misery rarely of happiness." They also make prompt and extensive addition to our bookshelves. But books written about contemporary history are apt to labour under peculiar disabilities. A few serious attempts to write contemporary history are necessarily made as Maitland said without the opportunity for reflection and reappraisal which the later beheaviour of the principal actors would permit and make possible. Contemporary historians, it is true, are mocked at with the taunt that their work is "Journalism", not history. But when the chronicler is honest and knowing, his work may not expose itself to such taunt.

After all today's history was yesterday's politics which being exposed to the fierce light of public criticisms has mellowed down into history and today's politics similarly chastened and sublimated, becomes tomorrow's history. Politics thus becomes the forerunner of history and history cannot afford to ignore its own herald in its march, lest it should run the risk of missing the correct paths of progress. When the two studies are aptly combined and correlated, we shall be adding wisdom to our knowledge and the

chronicler becomes the philosopher. It must be conceded that the combination is difficult, even rare and it is for the critic to judge whether these pages are charged with that 'partiality and a bad temper', which Milford, the Historian of Greece, boasted, he possessed as qualifications for writing contemporary history, or whether they display that spirit of detachment and balance which true historic spirit must exhibit, whether, in a word, to use Lord Acton's phrase once again, 'these pages constitute a burden on the memory or an illumination (however dim) of the soul'.

If, however, time is likely to reverse some of the writer's verdicts, he can find solace in remembering that he has performed an indispensable service without which the statesman is not able to learn promptly and grow wiser from the mistakes of his immediate predecessors. After all, of the two classes into which all people may be divided, some of whom learn by their own experience while others learn by others' experience, the latter is undoubtedly the wiser set and they need a study of recent and contemporary history to serve as an example or as a warning. The needs of nascent nationalism undoubtedly demand the periodical recording of its achievements and failures so that its leaders may realign their paths and processes of emancipation according to changing times and changed conditions. This accounts for this venturesome endeavour to bring the story of India's struggle up-to-date and make it complete at the time of the British Declaration of quitting India not later than June 1948.

"Asia" has been rightly described "as the centre of the world." Geographically Europe is her annexe, Africa a sub-continent, Australia is her island. Asia is an old continent which has become involved in new situations at a distressingly rapid rate. The geographical zones and historical phases of Asia formed an intricate pattern with decided conventions and processes of its own. This pattern was wrecked by modern technique. The catchword of the unchanging East is an expression of Western Ego-centrism.

"The impact of the new on the old, outside western civilization has resulted in the creation of a deep-seated unrest which is strongest in Asia and the speed and size of the changes are nowhere so extreme, so painful or of such historical importance." This continent is not only fermenting, it is on fire. Asia's changes involve incomparably larger territories and more millions of human beings, the conflicts are more acute, the passions more violent than elsewhere. They are occurring from the Indian Ocean to the northern limits of the Continent. Geography, according to Vangham Cornish "is especially concerned with favoured districts, history with decisive epochs."

"Therefore in the historical geography of a country we have to ascertain which district was favourably circumstanced at each decisive epoch of its story. At present historical geography seems to be favourable to Asia. Politically western powers have lost in China nearly all they gained since 1842. But economically also Asia is striving towards a central social position in the world.

The 19th century was a period of revival of old contacts between the neglected regions and nations of the world. Asia was importing schemes and ideas from the West. The contact re-establishing Asia began to export her ideology. Tagore and Gandhi are instances of intellectual expansion, Alexander the Great's dream of uniting East and West is being revived. Asia's synthetic ideology tends to develop a messianic line. She is confident of her future, confident that she brings a message to the world. Her growing self-consciousness stimulates the revival of memories of Changhis Khan, the first creator of a Pan Asiatic Movement. These ideas found a fruitful soil on the Asiatic islands of the Japanese Empire. But all Asia realizes that

using Confucius's terms, we are still living in the 'disorderly stage', that we are still far from reaching the advancing peace stage which promotes "small tranquillity" and that the "extreme peace stage" with its "great similarity" is not yet in sight.*

The world is no longer an aggregate of isolated nationalities. Even the cult of internationalism as amplifying the meaning and purpose of nationalism, does not adequately represent the far-reaching changes which the World War II has in outline introduced into its outlook. It was thus that India could not be treated as a sequestrated unit, the loose lying crumb in the hollow of a cariosed bone. It was thus that the world could not reconcile itself to the complacent remark and reply of Mr. Winston Churchill that India was England's affair, and that the Atlantic Charter could not apply to the contents of the British Empire. India is not the backyard or the front garage much less the outhouse of the British Mansion. It has been generally conceded that India is the meeting place of the world's religions, has a place in the world of culture, but India is equally the cynosure of the world's attention, and the centre of the world's interest. Like its antipodes America, India is the meeting place of the Atlantic and the Pacific. Go to Kanya Kumari and face the sea from the sharp point of the sacred Cape. To your right you see the Arabian Sea joining the Atlantic right round Cape of Good Hope and to your left, you see the Bay of Bengal passing into the great Pacific. India is then the meeting place of the East and the West, the key to the freedom of the Pacific nations and the control of despotism of the Atlantic nations. India is the gateway to China whose freedom was imperilled by that Island-nation Japan which had menaced the freedom of 450 millions and herself now lies low at the proud foot of a conqueror. A free China is the one cure for the dire malady of Japanese Imperialism. But a slave India could not help to fight for the freedom of semi-enslaved China or wholly enthralled Europe. Indian freedom therefore constitutes the basal factor of the new social order whatever it may be and India's projected mass struggle had for its objective such a free India. For India to have remained a passive spectator in this World War, providing its mercenary armies to fight in order to enslave free nations and liberate enslaved ones, all the while neglecting her own freedom as an immediate issue and a present problem, would have been to endanger the world's future for an unfree India would be the much coveted object of the lustful eyes of every prosperous and youthful neighbour or neighbour's neighbour. It was in view then of the geo-politics of India, the world's economic situation and the eternal verities of the domain of ethics that the Congress conceived the plan of embarking upon mass disobedince in 1942 and in the succeeding pages are dealt with the various phases and the sequence of the struggle, the decision in support of which was taken in Bombay on the 8th of August, 1942. The slogan of 'Quit India' which was the pivotal point round which the movement that followed the historic resolution centred, soon became a shibboleth and a war-cry, which engulfed man, woman and child alike, cities, towns and villages equally, officers and ryots, merchants and industrialists, scheduled castes and tribal areas, all in the whorls of one whirlpool of emotion, commotion and revolution. In different epochs and centuries different nationalities came under similar influences. It might be America at one time and France at another, Greece in one decade and Germany in another. But the aetiology of revolts was the same, the anatomy of governments, the physiology of administrations, the pathology of the body politic were all identical in every age and every clime.

* Asia and America—June 1944, p. 275.

## II

"History after all is not one of those arts which can reduce the human reference (factor) to a subordinate place" says Julian Huxley. 'A symphony need not conjure up a picture and a picture need not tell a story. But history is about men, women and children. Human beings have a psychological makeup, call it a soul, and it is not for historians to neglect what common experiences and the divination of poets and writers have taught us about the crucial subjective element.' And the first thing we ought to be aware of is that the meaning of triumphs and tragedies of life depends upon character and that there are several kinds of character or characters which a little more formally are called psychological types. Four of these according to the ancients are sanguine, choleric, melancholic and phlegmatic. In modern analysis there are two types, extro and intro. Besides there is a four-fold classification based on thinking, feeling, sensation and intimation. The familiar psychological and physical types of Europe appear in Africa. Indeed you can recognize all the varieties of our temperamental types in Africa. The black skin, Negro features and other racial characters are as it were, a garment. Beneath this the variations of ductless glands, nervous constitution, inborn psychological bias, body to build and the rest see to it that the same range of human variety, the same gallery of type is created in Africa as in Europe."

Oftentimes wars in the world have illustrated the supreme importance of superiority in the weapons and equipment. One historian argued that "it was the Macedonian spear that took Greek culture to Asia and the Spanish sword that enabled Rome to give her legacy to the modern world." Even so Germany's flying bombs of 1944 were expected to turn the tide of war but in vain. The fact, however, is that even in European strategy there are other forces in the world that count in war—these are described by Bacon when he spoke of "the sinews and steel of men's minds, wit, courage, audacity, resolution, temper and industry." Bacon, notwithstanding the fact that he was a philosopher and scientist, could not rise beyond the intellectual plane and where he rose, he only contemplated qualities no higher than courage. In India we have carried our wars to the higher planes of suffering for Truth and Non-violence, and the higher altitudes of Satyagraha so reached have undoubtedly changed the phase of history and the prospects of victory in battles between might and right, between truth and falsehood, between violence and non-violence, between brute force and soul force. The war that was known as the second World War was waged for no high principles and the Atlantic Charter that was drawn up a year after the War had begun followed by the comments thereon, that it was inapplicable to India and Germany alike, exposed the cloven hoof of the war-lords of the forties of the 20th century. And what was worse, it was a total war which frankly adopted methods based upon totalitarianism or 'the planned regimentation of the people in the service of the state (at war)'. And all the high sounding talk of freedom and democracy proved to be no better than 'windy, vapoury, rhetoric' when the claims of the sufferers (old and new) were examined in the light of the policy of 'holding fast to our own' as adumbrated by Churchill, punishing the so-called seditionists in Britain and India, calling an electoral truce and suspending elections and exercising rigid censorship of the press and private correspondence. If that was the objective and those were the methods employed to win victory in the war, India could not be blamed for not waxing enthusiastic and getting excited over the noble task of freeing Poland, Czechoslovakia, Greece and Finland. It was not Britain alone that

was Imperialistic and Conservative but Soviet Russia also pursued a foreign policy more appropriate to the Czarist regime and directly pursued by Nicholas II. The war that was waged for Poland's emancipation resulted in Poland's dismemberment at Russia's inexorable wishes and they did not stop short there. Russia invaded Bessarabia and Bukovina, Finland and Latvia, Estonia and Lithuania and in addition demanded a foothold on the Mediterranean through the Dardenelles and a death grip of Persia. This was the war in which India was made a belligerant without her consent or knowledge. This was the war which brought in its train the slogan for the first time that Britain should 'Quit India' a slogan in connection with which India was made to pay heavy penalties in the form of hundreds flogged, over a thousand shot down, and tens of thousands thrown into prison and nearly two crores of rupees of group fines imposed.

While history as such evolves itself throughout the world on common principles, the course of development of individual nations, countries or states varies necessarily with the conditions peculiar thereto. In India in particular, these conditions have assumed a unique form alike in their origin and in their evolution. The subjection of a whole nation for well-nigh two centuries, continental in dimensions and still more varied in soil and surface, is without precedent in modern history at any rate. One has to go far back into the annals of the world in the early centuries of the Christian era when Rome had held sway over an empire extending from Britain in the West (for wellnigh 4 centuries) to Egypt in the East. Even so the parallel ends with the subjection, for when the processes of emancipation begin, they have assumed in India a diametrically opposite course to any pursued in past history. The turn that events have taken during the past quarter of a century in Hindustan stands unique in the world and a further application of these laws of Truth and Non-violence compendiously known as Satyagraha involving different stages and gradations of expression of national resentment from non-co-operation to non-payment of taxes, through varieties of civil disobedience was considered possible by the unenviable though not unexpected position which India was made to assume during the war. The Congress had always held that India's participation in War effort should be based upon India being enabled to feel the impulse to that end as a free nation and a demand on these lines had been made repeatedly but in vain. The *causus belli* was clear. There was the atmosphere for civil disobedience, the only way to prepare a country for a fight and to precipitate the fight. Just as the best test of people's fitness for self-government is to confer self-government on it so the best test of preparedness to fight is to make the country fight. Was England prepared for war on 1st August, 1917 or 3rd September, 1939 ? People engaged in fight learn to fight. This is true both in violence and non-violence. The only question was of the scale—whether it should be individual or mass. The former was already tried and bore only partial fruit in the Cripps' Mission. The latter convulsed the world and brought the Cabinet Mission to India in March 1946.

## III

The annals of India during this historic period are briefly told. The Congress had remained in prison well nigh 33 months and came out not only unscathed but with honours. Yet a whole world of events transpired during the short interval. We live in an age when the progress of centuries is condensed into decades and of decades into a year. The arrest of the Congress—for such it was,—created a world turmoil. People in the

old world and the new, asked whether India was consulted before she was dragged into the war, whether the British Government was to the Indian people all that it claimed to be, and if so, why the Indians raised such a hue and cry against all participation in war, whether if the League and the Congress withheld co-operation in war effort, all the recruits that came in, came in as patriots of the Empire or as adventurers in the pastime of war or as professionals seeking their livelihood as soldiers in the hard times which war had brought about. In a word, India's case for freedom obtained an advertisement in a manner and measure which it never had till the World War Second began. In Britain the still small voice of the few that were left in the country who had a sense of equity and justice made itself quite vociferous and became audible in the midst of the din and dust raised by war, an all-out war, a totalitarian war as it came gradually to be described.

In America the people were divided into two clean-cut sections, those that held with President Roosevelt that India was Britain's affair, a small section which thought that the war time was not the time for raking up a colossal problem like India's freedom which must appropriately await the conclusion of the war and finally those vast and unnumbered numbers who belonged to the category of the unsophisticated masses who stood for the freedom of India now and here.

When India appealed to the American and the Chinese nations, she was not unaware that Britain would claim that India was her domestic affair and that other nations had nothing to do with India or any one of the colonies or dependencies of Britain. India and the Congress well knew however, that Britain was not an isolated body or a floating orb in the planetary system of civilized nations but was closely interconnected with other nations. India knew her strength and weakness and did not merely count upon the outside intervention in the name of humanity. Even so, the fact remains that if a person is ill-treated in his own country, International Law does not generally try to protect him in any way. However, a country's mistreatment of its own people or portions of them sometimes so ghastly as in the case of the natives of Belgian Congo or the persecution of the Christian Armenians by the Turkish Empire that world opinion becomes incensed. Sentiments of common humanity drive other nations to protest. In connection with the American protest against the Pogroms in Zarist Russia in 1905, Secretary of State, Rost, wrote :—

> "For some who are in despair the knowledge that there is friendliness and sympathy in the world may be an encouragement; and the expression of abhorrence and condemnation by the civilized world for the cruelties which have been practised, may come to have some restraining effect."

If, therefore, India did not succeed in staying the hand of repression, India's physical sufferings and sacrifices were more than compensated by the profound moral gains she had won during a struggle which judged by its high and uplifting standards of Truth and Non-violence (or Satyagraha as it is compendiously termed by the Indians themselves) made her cause for freedom ring and reverberate from the heights of the Himalayas, through the fastnesses of Kabul, the sacred hills of Mecca Muazzan and Madina Munavvar, the Mount Sinai of Palestine, the Pamir of the world in Central Asia, westwards through the Alps and the Appenines and the Pyrennese and the Chalky Cliffs of Albion, and eastward through the Caucasus and the Ural, and across the oceans in the new world through its many mountain ranges. India knows very well and has known all along only too well that the success of her

cause lay in her own hands, that 'In native swords and native hands, the only hope lies' but has exchanged Byron's sword of war into Gandhi's staff of peace. India has attempted the making of history with new weapons of warfare, and changed the planes of fight from the gory shambles of blood-thirsty warriors to the high altitudes of the spirit divine and the conscience human. The twentieth century has found a new cause, a new flag and a new leader and in these pages are narrated the world's reactions to the sacred cause of India's freedom, the vicissitudes of the Tri-colour flag of India's Independence and the prophetic teachings and plans of Gandhi's leadership in the Indian nationwide struggle for her emancipation.

# THE
# HISTORY OF THE CONGRESS

## *BOOK I*

### CHAPTER I.

#### India Before Cross Fires Once Again

Ever since the birth of the Congress, during the first fifty years of its service to the people of India, it has witnessed continuous struggle amongst its very votaries—characterized by periodical exacerbations of activity alternating with intervals of quiescence and introspection. The oft-repeated protestations of loyalty to the British Throne and the loud voiced denials of the accusation of sedition were the first manifestation of that spirit of a struggle against the " mendacious charges of the *London Times*, the retired Anglo-Indians in Britain and the Bureaucracy in India." Later came a period with the Partition of Bengal and its sequelæ when people would fain be seditious but would defend themselves in a Court of Law. Then followed after a comparatively quiet decade, the Home Rule movement in which the authority of Britain in India was challenged by Mrs. Annie Besant, an Irish lady but Britain herself was not in her view to be left out of the picture in the final settlement. The usual interval of passivity was no longer noticeable before the next phase developed. Altogether Dr. Besant went out of view for a short while only to range herself later against the progressive, yea, the revolutionary movement of Gandhi. Gandhi has held the field for over two decades, at one time as the active head of the Congress, at another as the sole inspirer; but at all times, whether he was or was not a formal member, as a consultant, whose experiments in Satyagraha easily placed him in the position of a guide to the Congress, of a Philosopher to India and friend to the wide World.

It will be noticed that on each of these occasions and at each of these turning points, those who had been at one time leading the van were outstripped in their march by the quicker pace of some of their colleagues, or juniors and had altogether to be content with a place in the rear, preferably to quit their dear old scenes of public life. Oftentimes they ranged themselves against the progressive epochs which marked the change as when Gokhle and Mehta opposed Tilak, and Dr. Besant opposed Gandhi. There is a certain apparent repetition of history when studied in outline for we see how after the session of the Congress in Bombay (October 1934) Gandhi chose to cease to be a four anna member of the Congress,—a decision which he had reached so early as in April 1934. But it is only apparent, for Gandhi is a force that now withdraws itself into a concentrated form and a condensed volume under high pressure and now transforms itself into inconceivable phenomena and becomes diffused over widespread areas.

The following year was the year of the Golden Jubilee of the Congress but no session of the great National body was held that year (1935) and the next annual session met in April 1936 at Lucknow which was presided over by Jawaharlal Nehru who had just returned from Europe grieved by the heavy bereavement in life in the premature but not unexpected demise of his spouse Kamala, which was considered not merely as a personal calamity to him but as an irreparable loss to the Nation. Jawaharlal's selection for the second time as President of the Congress was a small proof of the Nation's sympathy for him in his hour of grief and of the nation's appreciation of his dear departed wife's collaboration with him in his life work. It would doubtless be of interest to note here that Jawaharlal's return to India was marked by a nice little triumph to him in a matter in which the Bengal Government was compelled to express to him their regret and accept Jawaharlal's disclaimers in respect of a passage he had objected to in the Bengal Administration Report. Here is the statement of the Bengal Government relating to the event.

CALCUTTA,
*January*, 7, 1936.

" The Administration Report is published under the authority and with the approval of the Government of Bengal but, as is made clear in the introduction, this is approval of opinion. The Government referred to the author who explains that the statement which has been challenged was nothing more than an inference drawn entirely from the public utterances of Pandit Nehru prior to his arrest, and in particular from the speech delivered at Calcutta on January 18, 1934. In this speech of which the full text is available, the Pandit was at pains to explain the essential illegality of social and economic movements that he advocated, intended as they were to endanger the existing social order and threaten the existence of the ruling Power.

" After referring to the necessity of work among the workers and peasants which must necessarily come into conflict with the Government in view of the fact that the whole movement had reached a stage of open challenge to the constituted law and society, he went on immediately to refer to the Harijan Movement as a branch of activity which had in fact ' come into conflict with the Government as soon as it was carried on with any real strength behind it.' From the sequence of argument of this speech and assuming as is obviously reasonable, that the Harijan work referred to would be financed from the Harijan fund, the statement which has been challenged was in the opinion of the author of the report a legitimate inference.

" As explained above, the views expressed in the report were not put forward as views of the Government of Bengal, but having given publicity to them, Government do not wish to evade the responsibility. The author of the passage relied on public utterances of the Pandit to which reference has been made but in doing so he interpreted them in the light of the knowledge of his political tendencies. Government having considered the matter afresh recognize frankly that the passage complained of went beyond the statement of fact and rested on inference drawn from the knowledge that ostensibly, non-political movements have in the past been exploited for political ends. In accepting the Pandit's disclaimer, the Government of Bengal desire to express their regret that what was only an inference should have been put forward

as a fact and that the report which intended to do nothing more than give an accurate picture of the current events should have contained the passage in question. It will be deleted from all the copies still under the control of the Government."

Where was India in April 1936? What was her outlook? How was she reacting to the socio-economic forces that were throwing Europe into the eddies of revolution? Was it possible that the unfathomable Atlantic or the illimitable Pacific or even the inaccessible Himalayas could keep off the new ideas that were convulsing the West from India? The wars of the World had their basal motives differently cast from epoch to epoch. When King Dharma Raja performed his *aswamedha*, his horse was the symbol of his unchallenged and unchallengeable supremacy. Whoso stopped the horse had to fight the King or let go the animal in acknowledgment of his overlordship. It was a political conquest. When Asoka conquered Kalinga, he was content to plant there a pillar of victory on which were inscribed his fourteen edicts. It was a *cultural* conquest. Then came the wars of *territorial* greed which yielded place to the *communal* wars predicted by Lord Rosebery at the close of the nineteenth century. The second great World War was said to be a war between ideas and ideologies, one represented by Democracy and the other by Dictatorship, a war between popular sovereignty and authoritarian rule. These polar opposites do not spring up overnight. After all, a revolution is but the climax and culminating point of a silent evolution of standing and of slow growth. When a tree is being felled or when an Empire is crumbling, both retain their height and form till the last blow whether applied with the butt end of the axe or whether a *coup-d'-etat* with the sharp end obliterates it from the view and vision of the wonderstruck spectators. The causes at work, the operative ideals and objectives that have thrown Europe once again into the arms of Mars and for the second time in history engulfed America, have not sprung into existence suddenly as if by one jerk of the World's forces, like the ever changing designs of the kaleidoscope. These had their early rumblings, a doubtless subdued and distant albeit precursors of the coming storm indicated by the Eastern winds, the lowering clouds, the pouring rains, the thunder and lightning and the calm after the storm.

In 1936 and on the eve of the Lucknow session of the Congress (1937 April) we were having some of these premonitory signs of an enveloping malstorm. Abyssinia had already been invaded by Italy in 1935. Civil Liberties in India were wholly curtailed there being 2100 detenus in Indian jails even so early as July 1934, the Criminal Law Amendment Act being there, certified by the Governor General, securities being demanded from over five hundred newspapers in the quinquennium preceding the year, of which nearly 350 newspapers had closed down, while 166 papers gave securities to the tune of Rs. 2,50,000. Abroad, the rapid progress effected by Russia began to capture public imagination all the world over. Every story of progress from this semi-oriental country breaking down the shackles of slavery and breaking through the bonds of capitalism, brought a sigh of relief to people in India whose long continued subjection had nearly driven away all hope of freedom. The rapid strides taken by this 'mighty Behemoth of Muscovy' in the direction of emancipating the masses, leading to a new social order, embracing Georgia and Transcaucasus as much as Moscow and Petrograd, while Russia and Ukraine stimulated a like passion for like movements, for the erection of like edifices and the establishment of like freedom

for the masses here in India as well, that the industrial population of India did not exceed two million people, that the unnumbered millions of peasants constituted the real problems as they doubtless constitute the real backbone of the country, with their under-employment rather than unemployment, that India was being governed and ground down by a foreign power, not by any means better than the personal and autocratic rule of a national despot, made no difference in the thoughts of the people whose imagination was brightened, whose hopes and ambitions were stimulated, whose emotions were kindled by the stories—altogether captivating though perhaps one sided,—that began to flow from our near neighbour in the north-east. While Italy and Germany had their own remedies to wipe out starvation, make the *potential* energies of their respective nationalities *kinetic* and restore faith and self-confidence necessary for their rehabilitation, England was resting on her oars as a victor nation, resting the onslaughts of communism by a well ordered and deeply thought-out plan of social amelioration. The fact remained, however, that she was aiming one at a palliative treatment, not a radical cure of the distemper that arose in the wake of her age-long feudalism and her century old capitalism. Old-age pension, labour laws, maternity benefits, sickness-insurance, orphan-homes, leper-asylums, and above all unemployment doles were the spring chains in the armoury by which the British have so far successfully protected themselves against the inroads of Bolshevism. But England's weakness was well known to the world for as Marshall Foch said " An army is never so weak as on the day of her victory."

## OUTLOOK.

Fifty years had elapsed since India devised a plan through the Congress to effect its own political emancipation. During this long period, the principle of nationalism, which had taken firm root in the political evolution of Europe since the early part of the 19th century, permeated the whole of India and established a sense of unity of national life and thought, aspiration and effort, achievement and ideal. But side by side with that unity, call it historical or geographical, call it biological or ethnological, call it social or cultural, India did not fail to keep pace with those rapid changes in economic ideology which has virtually revolutionised the group life of States and countries both in Europe and Asia. While common descent and common tradition, common boundaries and common attributes of race, common sentiments of nationalism and common aspirations of liberty have each individually, and all in the aggregate, influenced corporate effort and strengthened associated action. The play of abstract ideas of nationalism soon gave place to concrete conceptions of social relationship between man and man. New economic theories have sprung into existence and new principles of governing human society have begun to be rapidly popularised. The old ideas of divine kingship was long since superseded by the King being regarded as the embodiment of sovereignty which owes its origin to the voice of the people and *vox pouli, vox Dei* became the democratic rendering of the theocratic and monarchic State. But it was not merely the voice of the people or even the votes given to them that brought satisfaction to a country. Votes do not fill stomachs and the ideal of food and raiment and shelter came to represent the irreducible minimum of human need to be guaranteed to every living soul, sooner or later,—sooner rather than later. Whether the new social order was established forthwith or in good time, the fact remained that no measure of political freedom could give happiness unless it was accompanied by econo-

mic contentment and social equality. In a country conditioned as India was with its subjection to a foreign nation, one could easily concede that, the problem of national freedom should precede the problem of social reconstruction. Yet in a country which had been ruled by a foreigner for a century and a half, in a manner completely subverting the traditional principles of education, administration of justice and economic organisation, freedom was found to be unattainable without social reconstruction not at some remote period, not subsequent to the establishment of freedom but simultaneously with the efforts for its attainment. That was why the Congress under the leadership of Gandhi had repeatedly emphasised the constructive programme, particularly in relation to the uplift of the peasant, the promotion of communal unity, and of the effacement of the social liabilities of the depressed classes. It is deeply to be regretted that national attention should have been, more pronouncedly concentrated upon the problem of India's political freedom than upon India's socio-economic reconstruction. The former would expose all sacrifice to the lime-light. The latter would bury all effort in self-effacement, deep in the debris of disintegrated society. The Congress nevertheless strove for making the national progress multifaceted,—driving its chaise and pair of political emancipation and social reorganisation,—of civil disobedience and the constructive programme, across the tyranny of foreign rule, across its new dominion of wealth over the ancient spirit of service. With rare foresight, the Congress put down at its meeting of the A. I. C. C., (Bombay) so early as in the middle of 1929, the great poverty and misery of the Indian people not only to the foreign exploitation of India but also to the economic structure of society which the alien rulers supported, so that their exploitation might continue, and pleaded for revolutionary changes in the prevailing economic and social structure and the removal of gross social inequalities in order to remove the poverty and misery and to ameliorate the condition of the Indian masses. It may be noticed that this resolution was passed six months before the Lahore resolution on Complete Independence for India. Thus although in theory the new social order, it was conceded, might wait till freedom was established, yet the desire for revolutionary changes in the socio-economic changes expressed itself six months in advance of the demand for complete independence. Accordingly one sees a simultaneous progress of ideas of liberty and reconstruction in India in 1929-30 which worked their way onwards in the Karachi programme wherein it was laid down that "in order to end the exploitation of the masses, political freedom must include real economic freedom of starving millions" and later in the agrarian programme of Lucknow in 1936.

All these years, in fact, ever since Swaraj became the creed of the Congress in 1920 that patriarch of India, scholar and savant Dr. Bhagavandass had been urging the Congress to formulate a definition of Swaraj. Did India want to continue to be governed by its own Cliveden group of forty ruling families as in England or 200 families as in France or was social reconstruction to be based on the simple device of production for consumption and not for export with profit motive? To give names to systems is to rouse spectres that one may not be able to dispel; but whether a name is given or not social changes are seen at work operating as the result not of the *visa tergo* of Time force but the *vis a fronte* of Spirit force.

Here in India the people had no initiative and where initiative is lacking, a sense of responsibility would cease to be regulated and fashioned by that touch with actualities which a self-governing nation would of necessity present.

In other words the engine worked without the brake. Accordingly, Labour had to face the temptation of organizing itself on communist lines. Rank Socialistic ideas seized hold of the younger minds throwing thereby the capitalist and feudal elements more and more helplessly into the hands of the foreign rulers. In between stood the Congress like a rock beaten by the onrushing waves of communism and the gentle but effective erosions of the waters of capitalism. To the Congress there is but one issue—and that is national emancipation—by non-violence. Like the dual programme of the British, repression and reform, coercion and coquetry, the Congress had its dual programme of fight and national reconstruction, so that it would not be right to say that the object of the Congress was only Political Independence, not the creation of a new social order. The Congress had fairly early recognized,—recognized indeed so early as in 1920-21, that in fighting the British for power, the Congress had also to take on hand a constructive programme in order to reconquer India from the British who had through a century's conscious and deliberate striving, effected a moral and spiritual, economic and social conquest as well not merely a political and territorial conquest. The slogan of " The New Social Order " which the great war had popularized the more, had been there embedded in the creed and programme of the Congress. The age of the machine it was that had brought about the industrialization of Europe and latterly of America and the conflicts generated by it lie at the root of the competition which constitutes the motive of western civilization today. In the East it was the spirit of co-operation that has all along formed the basis of society whose organization has in turn fostered the spirit of non-violence even as violence lay at the root of the socio-economic organisation of the West. That is how the resuscitation of the village as a self-contained body with its age-old crafts and arts revived, constitutes the unfoldment of the cult of non-violence, while the grab and greed of the western civilizations centring round the spirit of competition and creating in turn the same spirit of conflict between the East and the West, between one nation and another, between the urban and the rural, between agriculture and industry, between self-sufficiency and Imperialism, have accounted for the two great world wars. that have been witnessed in the Twentieth Century. But to us in the East, the Democracy of Britain and the Dictatorship of Germany differ in no wise from each other so long as both, —call their cult Imperialism or call it Fascism,—aim at the capture of the world's markets for their own self-exaltation, much to the detriment of those market owners who are that way reduced to the position of hewers of wood and drawers of water. In India, the Congress has not failed to realize how imperceptibly but rapidly the tentacles of industrialism or capitalism have begun to spread themselves round the towns, and how the feudal idea not altogether absent from this country has been sedulously fostered and cleverly utilized in the Zemindaries, the franchise of the big landlords, the interposition of Jagirdars, Mukhasadars, Munsabdars, Malguzadars, Muttadars and various other intermediaries numbering so many as thirteen in U.P. and easily two or three even in the South of India. To say then that India is not an Industrial nation or the number of mill workers has never exceeded two millions does not obviate the need for a general social readjustment which was quickly recognized by the Congress and immediately foreshadowed in the statement of fundamental rights and duties by the Karachi Congress (1931) followed by the A. I. C. C. meeting of Bombay that very year and in the single, simple word *Gandhism* which Gandhi had for the first time coined in his speech at the public meeting in Karachi preceding the open session of the Congress.

But there was and is one cardinal difference. What is the agency by which this new social order must be established, what is the means to the end, —Violence or Non-violence? The failure of the A.I.C.C. or the Subjects Committee of the Bombay Session (1934-October) to substitute the words 'Truth and Non-violence' in the creed of the Congress for the expression 'peaceful and legitimate means' had really not weakened the hold of the principle of non-violence on the masses and the vast majority of Congressmen. But the youth of the country began to be fascinated by the quick results that were expected to follow a *coup-d'-etat* through the play of violence. In the Jails in the years 1930-1934, they came into contact with and under the tuition of men who had suffered the most inhuman treatment at the hands of the British in India for their faith in violence which had led them to make heavy sacrifices and face with the utmost non-chalance cruelties inflicted on them. The stories of some of these sufferers were type-written and circulated but the living contact with the sufferers, in flesh and blood, added to the teachings of M. N. Roy, secretly circulated, created a new faith or revived the old faith, in violence. Besides, the apparent failure of the movement of non-violence leading to an accentuation of that attitude of arrogance and despotism in the rulers which for a while lay dormant gave an added impetus to the wavering beliefs of the young who were still on the border line. It was a cry of socialism all round amongst the youth of the country. Students Federations and Youth Leagues, became the order of the day. A regular party was carved out ere long called the Congress Socialist Party and began to function as an organized group within the Congress. There gradually rose a party called the Communist Party which soon overwhelmned the former. The C. S. P. and the C. P. became familiar terms. Conspiracy cases conducted by Government unfolded these truths to an ignorant public. In the South of India it was plainly put in an annual report of the C. S. P. that the C. S. P. was really functioning as the C.P. The C. S. P. soon lost wind and by 1940 almost disappeared leaving the field to the C. P. whose activities became marked during the second great war and by the beginning of 1941, Government declared that they had detained as detenus 600 persons, —a good number of whom were University students. We shall revert to these matters later again but the story in outline of a quinquennium is given here to enable the reader to study the background of events which began with the Lucknow session of the Congress (1936-April).

Remembering all this background, one had to answer the question as to who was to preside at Lucknow. Gandhi may seem to be religious, and be deemed more a saint and less a politician, but that does not mean that he lacks statesmanship or strategy of his own. He may now appear old-fashioned but that does not imply that he is not in touch with modern currents of life. Above all he is intensely human. He took note of the events of the day and the year. Kamala Nehru who was taken to Badenweiler, Schwarzwald in May 1935 for treatment had seen Gandhi before she left India and committed her hospital to his care. Later Jawaharlal Nehru was suddenly released from prison on September 4, 1935—5½ months before the due date and hurried to Germany. After years of suffering and struggle Kamala Nehru passed away and Jawaharlal returned to India in March 1936 to take up the Presidentship of the Congress in his own province. His selection was the most natural event under the circumstances for that would be the first and best consolation which the nation could have offered to one who had given to it along with his wife nearly two decades of service, ardent, unstinted and strenuous. If there were no other reason, this alone would be a para-

mount reason for the choice. On the contrary, even if the bereavement were not there, there were adequate and compelling circumstances demanding his choice. Next to Gandhi, he was the most dynamic Congressman providing the drive for the Congress from within and the brake to it from without. While he has fought Gandhi sincerely and strenuously, he has made a point of agreeing with his conclusions. At the same time to quote his own words, he having " studied carefully what was happening in Russia, Germany, England, America, Japan, China, France, Spain, Italy and Central Europe tried to understand the tangled web of current affairs." He owns that the communist philosophy of life gave him comfort and hope. He was not unaware of the peculiar condition of India where apart from everything else, the problem of Political Freedom filled the national atmosphere and shaped the national outlook. He has readily recognised that " in India today the middle class intellectual is the most revolutionary force " and has commented on the cult of the Communists in India as " the basic error of judging the Indian National movement from European Labour standards. " The Indian National Movement "* wrote he, " is obviously not a Labour or Proletarian movement. It is a *bourgeois* movement as its very name implies, and its objective so far has been not a change of the social order, but political independence." Not that, by these words, he meant to imply that the Congress did not aim at changing the Land System and the Capitalist System of this country for he is only too keen on it, but that he was in those words describing and interpreting the Congress to the nation as it stood up to 1936. The conflict in his mind had been undoubtedly great for between his convictions and his duties, his emotions and his intellect he had been hard put to it to balance himself. Thus it was that he was expected to serve as the bridge between the old and the new, between Gandhism and Communism and therefore peculiarly well fitted to fill the Presidential chair at Lucknow. It may be recalled how " there was form of Dyarchy in Russia between the Duma, dominated by the Capitalist parties who sought refuge with the constitutional Democrats known as the Cadets and the Sovients, or Councils of workers, soldiers and peasants' deputies which were at first dominated by the Social Revolutionaries and the Mensheviks."† " And a few Right wing socialists such as Kerensky, Chkheioze and Tseretelle had seats both in the Soviet and the Duma and tried to act as a bridge between the two."‡ These points might not have been clear then and there.

There is little doubt that Jawaharlal was greatly and even bitterly disappointed over the achievements,—rather the want of achievements, of the Lucknow session. When he had presided over the Lahore Session in 1929, he stated in his Presidential address that he was a socialist and Republican. When seven years later he presided over the Lucknow session (April 1936) he reached the logical fulfilment of socialism—namely communism. But communist as he felt himself to be, he threw in his lot with the Congress and its creed of " peaceful and legitimate means " for the attainment of Swaraj. This did not, it is true, mean in so many words " Truth and Non-violence." In fact, Gandhi's attempt to alter Article I of the Congress Constitution accordingly had failed in the Bombay session (Subjects Com-

*Jawaharlal Nehru—An Autobiography p. 366.

†' Between the two wars ' by Vigilantes (K. Zelliacus) page 82.

‡ Ibid 83.

mittee, October 1934) and this fact was being pointedly referred to by many a Socialist and Communist who had not felt kindly inclined towards either of those two virtues as means to Swaraj. Jawaharlal's attachment to non-violence steadily grew in spirit from 1929 onwards and his inseparable allegiance to Gandhi strengthened it in letter as well, despite his periodical outbursts in later years against either Khaddar or Non-violence. It is true that Jawaharlal himself has laboured all along under two complexes, a certain superiority complex which made him feel superior to all the rest in India and a certain inferiority complex lest he should be considered second to Gandhi. Gandhi's own attitude to Jawaharlal is aptly described by the former soon after the latter's election to the Presidentship of the Lahore session by the A. I. C. C. on the 29th September, 1929.

(JAWAHARLAL) : An extract from "Young India", by Gandhi :

" It was a great and wise step the All India Congress Committee took at Lucknow on the 29th, ultimo in electing Pandit Jawaharlal Nehru as the Congress helmsman for the coming year 1929-30. No man, however great, be he even Mahatma, is indispensable for a nation conscious of itself and bent upon freedom. Even as the whole is always greater than its part, the Congress which claims to represent the nation is always greater than its greatest part. To be a living organisation, it must survive its most distinguished members. The All India Congress Committee has by its decision demonstrated that it believes in the inherent vitality of the Congress.

" Some fear in this transference of power from the old to the young the doom of the Congress. I do not. The doom was to be feared from the scepter being held by the paralytic hands as mine are at present. I may take the reader into the secret that before recommending Pandit Jawaharlal Nehru's name for the burden, I had ascertained from him whether he felt himself strong enough for the weight. " If it is thrust upon me, I hope I shall not wince," was the characteristic reply. In bravery he is not to be surpassed. Who can excel him in the love of the country ? " He is rash and impetuous " say some. This quality is an additional qualification at the present moment. And if he has the dash and the rashness of a warrior, he has also the prudence of a statesman. He is undoubtedly an extremist, thinking far ahead of his surroundings. But he is humble enough and practical enough not to force the pace to the breaking point. He is pure as the crystal, he is truthful beyond suspicion. He is a knight *sans peur et sans reproche.* The nation is safe in his hands."

Here is Gandhi's characterization of the President of the year. His father Motilalji gave him his pride and prejudice. His foster father Gandhi gave him his prudence. It must be stated, however, that while Gandhi has all along been contemplating a high place for India not merely in the counsels of the world, but in the reconstitution of the world's civilization, Jawaharlal was animated mainly by a passion for India's recovery of her rightful place in the comity of nations but *vis-a-vis* the progress of internationalism in the world. There lies, however, an obscure paragraph in the " Literature " which the Lucknow session gave birth to, which depicts the higher ideal of Indian renaissance. Let us quote the last paragraph from the address of the Chairman of the Reception Committee of the Lucknow session, Sri Prakash :

" The task before us is verily a mighty one. We are out to win Swaraj. Swaraj for us is the recovery of our lost soul and not merely

the finding of our lost wealth. We want Swaraj because we desire to fashion our lives in our own way, we want to get back our capacity to make our own."

At this distance of time, we are apt to forget how dense were the clouds of dust that were raised at the Lucknow session of the Congress particularly after office acceptance became a *fait accompli* and was shortly after followed by the resignation of the ministries during the 2nd Great World War. It is always wrong to try to judge past events in the light of later experiences, and too, the fact remains that a chronicle of events has to give each set of facts and group of events as they came into existence, that measure of importance which they carried at the time. While no great ethical principle was involved in the question of accepting office and the formation of ministries in the provinces under the Government of India Act of 1935, a vocal section of the house at Lucknow felt that from the point of strategy such working of reforms would take the Congress nearer to the school of thought associated with Liberal democracy rather than the Gandhian school of thought wedded to the philosophy of mass action and mass progress. The Liberal school of thought was anxious that the Congress should accept office, not because it had any love for Congress but because it dreaded the strategy of constitution-wrecking. They were at pains to prove that the Governors could not, in the face of the Act, give the assurances demanded by Congress. It was even argued that the Governors could appoint ministers from the minority parties. The standpoints of the two were diametrically opposite to each other. Congress was carrying on a struggle to get rid of the incubus of foreign rule. It interpreted the popular will as expressed by the vote as a mandate to the Legislators to work out the country's emancipation. Prof. Keith, uninfluenced by officialdom condemned Minority Ministries, complimented Gandhi and his colleagues on having studied the principles of Responsible Government and declared that the constitution under review suffered at the very outset from the grave defect that it made responsibility unreal by placing special responsibilities in the hands of the Governors. Professor Keith openly said: "It is regrettable that the Governors were not authorized to give much more definite pledge." The question was one of liberalizing the constitution—not by legislation which was out of the question so soon after the first elections, but by interpretation which was quite feasible and the assurances ultimately agreed to by Lord Linlithgow in June 1937 were such—being based upon the interpretation of the Act. Without them, there was no obligation on the Congress to accept office for the Congress sought the electoral vote on a manifesto which did not undertake to accept office. The vote was sought as a verdict on the Reform scheme. Armed with such a verdict, it was up to the Congress to use it as a lever to liberalize the Act.

Again the fear was seriously entertained that once we went into the Secretariat-chamber we might find the seats soft and the atmosphere comfortable for all temptations must be resisted at the very threshold and not inside the Chamber. As events have proved, however, the sudden and unhesitating resignation of Congress Ministries during the second World War clearly proved that the fears entertained at Lucknow were, while theoretically unchallengeable, in practice perhaps, a little, exaggerated. Nor was it considered a straight course to adopt for the Congress in its open session to postpone its decision till a later day and to delegate it to a smaller body. Yet at this distance of time, once again, let us admit that those who

opposed office acceptance then at Lucknow and Faizpur have not failed to realize how Gandhi by asking for and securing his " assurances " from the Viceroy and the Governors, succeeded in the teeth of opposition from eminent lawyers and ex-legal dignitaries who held such a demand unconstitutional, in watering down the safeguards and the reservations embodied in the Act in so far as Provincial Autonomy was concerned.

Jawaharlal came to India full of communistic and marxian ideas. The achievements at the Congress disappointed him. He found himself as one against the world. The resolution on the agrarian programme was an apology for an ambitious scheme of social upheaval which he had been ardently hoping to commit the nation to. He made the best of the situation by taking three ardent socialists into the Working Committee,—Sri Jayaprakash Narain, Narendra Deo and Achyut Patwardhan; even Sarojini Devi was cut out from the Committee not without some internal commotion and had to be called back only in the middle of the year when a casual vacancy arose. The spirit that prevailed in the Lucknow session could be judged from the omission of any resolution on the Constructive Programme. It may be remembered that it was only lately, that is, in Bombay (1934 Oct.) that the resolution on A. I. V. I. A. (All India Village Industries' Association) was passed and one should have expected some reference to it somewhere. No, not that no one thought about the matter, but that when a draft was prepared and placed before the Working Committee, it did not find favour with it and it was dropped at the Allahabad meeting of the Working Committee shortly before the Lucknow Session. Another small but interesting point was that for some time previously there had been an attempt to change the name of the United Provinces into Subah-i-Hind. The name, United Provinces is a relic of the old name of North West Provinces of Agra and Oudh, which name gave place some time before 1920 to the United Provinces. It is a just grievance to the friends of this Province that the name is not related to the ancient history of India as Vanga (Bengal), Utkal (Uring), Andhra (Telugu) or Maharashtra. Indeed there are 56 kingdoms of old and it was open to the U. P. friends to have selected one of those names,—Kosala, or call their Province by the name of its capital,—Prayag Province, Allahabad Province or Lucknow Province. But to appropriate the name of *Subah-i-Hind* for one province out of eleven, did not meet with the approval of the Congress and it was thrown out for the reason that the names—' Hind ' and ' Hindustan '—should be left over for India as a whole. The States bulked large in the eye of the Congress. It may be remembered that the subject was one of the three or four referred in particular by Gandhi in his statement of April 6th, 1934 and emphasised by him later as constituting the points on which there was appreciable divergence of view between him and a section of the Congress. Any way, the resolution passed by the Lucknow Congress drew prominent attention to the fact that " the people of the States should have the same right of self-determination as those of the rest of India and that the Congress stands for the same political, civil and democratic liberties for every part of India. The Congress, however, desires to point out that the struggle for liberty within the States has, in the very nature of things, to be carried on by the people of the States themselves."

The agrarian programme was taken up well in time. Throughout India there was a great commotion amongst the tenantry against the rack renting both under Government and under the Zemindars, and against, in particular in respect of the latter, their superarrogation of rights regarding

tanks and tank-bunds, water sources and irrigation channels, pastures and forests. And too, the number of intermediaries between the cultivator and Government rose to as many as thirteen in Bengal and to varying figures in different provinces. Accordingly the Congress called upon different Provincial Congress Committees to make recommendations to the Working Committee by the 31st August, 1936 in regard to nine points to which we shall revert later and which were more or less tacked on to the election manifesto.

On the main question, namely the new Government of India Act, the Congress, while condemning the Act on various grounds, resolved to contest the elections on the basis of a manifesto to be prepared ; but on the question of acceptance of office, " the Congress in view of the uncertainties of the situation as it might develop, considered it inadvisable to commit itself to any decision at that stage and left it to be decided at the proper time by the A.I.C.C. after consulting the Provincial Congress Committees. The cardinal objection to the Act was that it was the product neither of self-determination nor even of joint determination but of ' other determination.' In addition the scheme of Government laboured under the clear disability,—wantonly and deliberately planned—of the body politic being so shaped as to have a trunk without a head and therefore of its activities remaining uncontrolled or unco-ordinated. There was neither the cerebral action generating the electromotive force, nor the duty of correlating the various functions of the provinces. To speak in concrete terms, the military and the ecclesiastical departments, foreign relations, peace and war, armaments and expeditions were all reserved. The Finance Minister was to have a finance adviser whose views would in practice be mandatory. The Railway Board was to be a statutory body brought into being by a Parliamentary Act which appropriated the function of controlling Railway rates, a task which the Legislature was wholly deprived of all connection with. The Reserve Bank could have at least its *structure* amended according to the White Paper but even this was taken away under the Act. The Legislature was to have nothing to do with currency and coinage, the silver in the rupee or the gold in the sovereign or the silver and the gold (fiduciary) reserve behind the notes in circulation or the extent of that circulation. The Services carrying a salary of over Rs. 250 were not to be punished or called upon to explain, or even to be transferred by the Minister, the C. I. D. was to continue as a Reserved subject. The Viceroy was in addition, Governor-General exercising various functions in his discretion and in his judgment and also dealing with the Princes as the Crown Representative. Thus he who was formerly a two-faced Janus now became a five-faced Brahma befitting the Hindu Pantheon. Besides these, there were ever so many safeguards and reservations, also commercial safeguards which controlled the right of levying tariffs so as not to lead to the raising of the price of the goods of U. K. as against those of India, which exempted firms of the U. K.—past, present and future from the operation of any laws, rules and regulations designed to control the capital and management of Indian companies, in order to make them eligible for any bounties or subventions. In regard to shipping, there were similar concessions to ships of the U. K. And there was a comic show of justice in the article on Reciprocity under which if in the U. K., any bounty or subvention given to companies of U. K. were refused to an Indian concern, then it should be open to the Government of India to refuse similarly to companies of U. K. in India, concessions available to Indian companies. Mockery of mockeries, could it be imagined for a moment that any Indian

concern would go to the U. K. and start business on a competitive basis there! In the Provincial spheres also there were notable deductions of powers from the ministers' besides the reservations and the safeguards of the Governors. Above all there is the Instrument of Instructions which for the first time has been given statutory importance as its promulgation has been included in the Act itself. But the question of acceptance of office would not depend upon the merits of the Act so much as upon the strategy to be adopted in a game of political chess. Accordingly the final decision was held over till after the elections.

The Lucknow session committeed then two important duties to the care of the All India Congress Committee. One was the final shaping of the Agrarian programme and the other was the preparation of the election manifesto. The two were virtually connected with each other. Indeed the former was to form part of the latter and the two together would constitute a necessary preliminary on which the Congress if returned in the elections by a majority and later, if called to office, should base its programme of parliamentary action. At that time, this vital and organic connection between the three was not so clear. At the end of six years (1941, June) and with the experience of Congress ministries in eight provinces and their remarkable achievements in the all too short period of two and a quarter years in which they cared to function, the relevancy of the Lucknow decisions to later history, in fact the outstanding place they could claim in shaping that history, becomes clear as crystal.

There was, however, a fundamental difficulty in the progress of events. The President was out of tune with the majority of the Working Committee. The three new friends taken into it would, with him make a good *four* or more than a fourth of the Committee but generally speaking the deliberations and decisions of the Congress were not conditioned or conducted by majorities and minorities. Jawaharlal had offered his resignation at the very outset but he was persuaded to remain and continue. Continue he did but with qualms of conscience which created uneasy feelings in his breast. On the one hand there was his presidential address which was not meant to be a mere thesis but a programme of action. On the other, there was Gandhi with his following of ten members in the Working Committee thinking and acting as a solid block. The fifteenth was an absentee in prison,—Subash Babu who even if he were present, would rather take his own course and not sail with the one group or the other. The address pleaded for pure communism in a country which had had its own traditions built up through at least a hundred and thirty centuries of progress,—and a social structure which had through these long ages, withstood the buffets of time and circumstance and which had worked itself into the life of the nation,—religious, economic and ethical. You could no more write on a clean slate in India in the socio-economic realm than in the religious, but the charms of novelty are highly fascinating and though they are destined to wear off sooner or later, the interval before disillusionment is apt to be highly trying to the nation and its leaders. After all the Marxian cult is set up as a new religion, Marx himself as the new Messiah and Marxism as the new Church and these constitute the greatest obstacle to Communist progress in India where she has a whole hierarchy of *Valis*, *Rasuls* and *Paigambars*, *Rishis*, *Mahatmas* and *Avatars*, where the mosques and temples are the dynamos that generate the electro-motor power which had all along shaped and fashioned society. We are reminded in this connection of a passage from

Bernard Shaw, which we make no apology for reproducing at length. (The Intelligent woman's guide to Socialism—Capitalism, Sovictism and Fascism.)

### " Bernard Shaw's opinion on scientific Marxism "

" Do not be misled by the fact that the missionaries of Church socialism do not use the word God nor call their organisation a Church nor decorate their meeting places with steeples. They preach an inevitable final supreme ' category ' in the order of the universe in which all the contradictions of the ' earlier and the lower categories ' will be reconciled. Their prophet is named Karl Marx. They call themselves, not the catholic church but the third International. Their metaphysical literature begins with the German philosophers,—Hegel and Fenerbach and culminates in *Das Capital*, the literary masterpiece of Marx, described as the Bible of the working classes, inspired, infalliable and omniscient. Two of their tenets contradict one another as flatly as the first two paragraphs of Article 28 of the Church of England. One is that the evolution of capitalism into socialism is predestined implying that we have nothing to do but sit down and wait for it to occur. This is their version of salvation by faith. The other is that it must be effected by a revolution establishing a dictatorship of the proletariat. This is their version of salvation by works. Marxism is not only useless but disastrous as a guide to the practice of Government.

" Such abstractions are unintelligible and repulsive to manage a whekstall for five minutes, much less to govern a modern-state as Lenin very soon found out and very frankly confessed.

" But Lenin and his successors were not able to extricate the new Russian natural State they had set up from this new Russian International (Catholic Church) any more than our Henry II was able to extricate the English State from the Church of Rome. No body can foresee today whether the policy of Russia in any crisis will be determined on secular and national grounds by the Soviet or on Marxist grounds by the third International. ....In Russia the State will sooner or later have to break the temporal power of the Marxist Church and take politics out of its hands. ....But until then the church of Marx, the third International, will give as much trouble as the Popes did formerly.....

" If the Marxist Bible cannot be taken as a guide to Parliamentary tactics, the same may be said of those very revolutionary documents,—the gospels. We do not on that account burn the gospels and then conclude that the preacher of the Sermon on the Mount has nothing to teach us. ....Marx was a great teacher and the people who have not yet learnt his lessons make most dangerous Statesmen and Stateswomen. But those who have really learnt from him instead of blindly worshipping him as an infallible prophet are not Marxists any more than Marx himself was Marxist.

" Mark his total lack of experience in the responsible management of public affairs and the unlikeness at close quarters of his typical descriptions of the Proletariat to any earthly working women or of the bourgeoisie to any real women of property."

" Marxism like other issues is essentially a call to a new Theocracy."

**Let us hear Jawaharlal also on Marxism:**

" But Marxism is not an issue before the Congress to-day. The issue is whether we must fight the evil effects that we see around us or seek the causes that underlie there. Those who concern themselves with the effects only seldom go far. They ought not to forget that they are fighting with

effects but not with the causes of these effects ; that they are retarding the downward movement but not changing its direction, that they are applying palliatives, not curing the malady."

" That is the real problem,—effects or causes. And if we seek for causes, as we must, the socialist analysis throws light on them. And thus though the socialist-state may be a dream of the distant future, and many of us may not live to see it, socialism is a beacon light of the present, lighting up the path which we have to tread."

From *Eighteen Months In India* p. 41

But in a country long subjected to foreign rule, there is a sense of disgust created in the youth of the nation for the ' effete ' and antiquated institutions and laws, at the same time, an inevitable hatred for the laws and institutions of the ruling nationality. It is, therefore, natural for them to seek out a solution that is neither but hails from a third quarter. The Russian experiment undertaken elsewhere through a violent revolution which has taken a toll of 75 lakhs of citizens and is run by 2 million party members carries with it charms of an irresistible character. But when the experiment itself has not reached a finalty and when its environment and traditions have a large share in shaping its character, it will be readily conceded that each nation has to work out its destiny by reconciling its past to its present and shaping its future in the light of both. Time is the healer of all ills and sorrows and equally of all exaggerations and misunderstandings. It did not take long for the bright light of Lucknow to mellow down for at Faizpur it was Jawaharlal himself that sent the happy message to the Socialist Conference asking them to Indianize the movement.

**Here is a message to Socialists by Jawaharlal, (December 20, 1936) :**

" Comrade Masani has asked me for a message to your Conference. I send my greetings gladly and I hope that your deliberation will result in good to the great cause we have at heart. That cause today is best served by building up a powerful anti-imperialist joint front in the country. It is obvious that the National Congress is the only organisation which can function as such a joint front.

" As you know I am vastly interested in the Socialist approach to all questions. It is right that we should understand the theory underlying this approach. This helps to clarify our mind and give purpose to our activities. But two aspects of this question fill my own mind. One is how to apply this approach to Indian conditions. The other is how to speak of Socialism in the language of India. I think it is often forgotten that if we are to be understood, we must speak the language of the country. I am not merely referring to the various languages of India. I am referring much more to the language which grows from a complex of associations of past history and culture and present environment. So long as we do not speak in some language which has that Indian mentality for background, we lose a great measure of our effectiveness. Merely to use words and phrases, which may have meaning for us but which are not current coin among the masses of India, is often wasted effort. It is this problem of the approach to Socialism that occupies my mind—how to interpret it in terms of India, how to reach the hearts of the people, with its hope-giving and inspiring message. That is a question which I should like a socialist to consider well."

But between Lucknow and Faizpur (December, 1936) the progress of events was notable and well may we give an epitome thereof here. The

saddest of them—not less national than personal, was the demise of the venerable Abbas Tyabjee, the Grand Old Man of Gujarat at Mussorie on June 10, 1936, and of Dr. Ansari in a railway carriage soon after the session of the Lucknow Congress. May 17, 1936, was announced as a day of universal mourning at the latter's death. Two other 'days' were observed throughout India at the behest of the Working Committee, the Abyssinia Day on May 9, when resolutions were passed expressing sympathy with Abyssinia and condemning Italy. The League of Nations came in at many places for its own share of condemnation for having betrayed Abyssinia. Five years later, the whirlgig of time brought its revenge and the Negus, with the help of the British, got back to his capital Adis Ababa in a campaign which ended in a notable victory to the Haile Selasse, against Italy in June, 1941 in the Second Great European War.

Another 'day' that was observed with indignation and sorrow was the Subhas Day on May, 10 when resolutions of vigorous protest were passed throughout the country against the arbitrary detention of Shri Subhas Chandra Bose at Kurseong in his brother's bungalow because as the Home Member said, an open trial was not in the public interest!

## POLITICAL PRISONERS' DAY:

Repression and the maltreatment of Political prisoners in India were not new events in the year 1936. The awakening of the national consciousness to the need of establishing Swaraj and the sense of pride which must be India's as much as any other country's in the comity of the nations of the world brought in its wake a policy of repression which had originally begun with the *Vernacular* Press Act and the Arms' Act passed during the time of Lord Lytton as Viceroy in 1877-78. The amendment of the Indian Penal Code in 1897 by the insertion of two new sections,—124-A, relating to sedition and 153-A, relating to class hatred was the immediate reaction of the Government to the activities of Lokamanya Tilak. When the scene shifted from Maharashtra to Bengal, from the anti-Plague measures culminating in the assassination of Lt. Rand and Captain Ayrst in Poona to the Anti-Partition agitation in 1905, repressive measures till then unknown were adopted preventing students from forming processions or participating in politics and prohibiting the carrying of sticks of beyond a certain girth and length in the district of Backregang. The lathi charge of so venerable a leader as Surendranath Bannerji at the time of the Barisal provincial conference was but the forerunner of the severe lathi charges that have become the orders of the day since 1930. The seditious Meetings Act of 1908, the Press Act of 1910 and the Criminal Law Amendment Act of 1912 were but the forerunners again of the Defence of India Act of 1914 which was sought to be perpetuated through the two Rowlatt Bills one of which was enacted and the other was aborted. This era found its culmination in the Jalianvalla Bag Massacre. The new era that opened with Montford reforms brought little relief to the people in respect of their Civil Liberties or the treatment of those who fell victims to the repressive laws, for while most of these were repealed, the Criminal Law Amendment Act has remained to us as a legacy in perpetuity. New times begot new ordinances and give rise to new forms of punishments and the treatment given to prisoners in jails was so abominable that one young man Jatindra Nath Sen, (May his memory live long) gave up his life for the cause of the sufferers on the 13th of September, 1929, on the 61st day of his self-imposed suffering. Others followed one of whom was Jogesh Chatterjee who underwent a long ordeal by hunger

strike exactly in the manner in which Jatindradas became a martyr. But he was induced to break his fast. Babu Rajendra Prasad, as the President of the All India Politicals' Committee, issued a comprehensive statement restating the demands of political prisoners for human treatment. They were distributed over wide areas in the detention camps and in the Andamans and the Congress pleaded hard, " in particular for more human contacts by more frequent interviews and letters and mental food through books, newspapers and writing materials, the ending of solitary confinement and finally, removal of political prisoners from Andamans. Accordingly on the anniversary of Jatindradas' death (13th September) president Jawaharlal commended to all Congress Committees and Congressmen to observe the political prisoners' day. It is true that this agitation did not bear immediate fruit but it paved the way for a change of heart both in the prisoners who very soon saw the futility of terrorism and in Government who carried out a plan of release under pressure in driblets over a prolonged period taking away half the value and all the grace of such an act of humanity.

The release of political prisoners was threatening to create a first class political issue in the next few months and create it did at the time of the Haripura session early in 1938. The conditions of political prisoners notably in Bengal was extremely bad and came in for severe public comment.

The conditions of Political Prisoners in Bengal were appalling. They were kept locked in cells for 20 hours and though *under trial*, were not allowed to get food from outside, cooked or uncooked. Some were chainfettered day and night. The provisions used were wretched,—rice full of stones and vegetable curry made from odds and ends, fish curry was without fish ; soap, oil, slippers or shoes were not allowed to Division III prisoners. No newspaper was allowed to these. No exchange of books was allowed among prisoners. Batons were freely used in the Dacca jail. Degradation to Division III was a common and standing punishment. Medical attendance was inadequate and unsatisfactory. Interviews were denied to prisoners with jail visitors. Heavy work in oil mills was sometimes given.

While India was being convulsed by the political repression let loose on an unparalleled scale and by a Government of India Act which the authorities were still waiting to put into force, events abroad claimed the attention of the Congress in no less a measure than the events at home. The rape of Abyssinia by Italy and the disappearance of the Negus from his homeland with the League of Nations sitting silent on the one hand and the nations of Europe positively helping the criminal on the other, drove away from the minds of Indians any lingering hope of justice being done to their claims and emancipating their country from thraldom. The pascifists of the world all the time were not sitting silent but making their ' still small voice ' heard in the remotest recesses of the so-called democratic parliaments of the world. It was thus on the 6th of September, that the World Peace Congress met at Brussels and this Congress, it was felt at the time, represented a consolidation of all the forces in the world that then stood for peace and progress. The composition was indeed of a motely character and the most diverse elements and groups ranging from members of the Conservative Party in England, Liberal, Laborites, supporters of the Popular Front in France, enthusiasts for the League of Nations idea, to Pacifists, Socialists, Communists, heads of progressive governments in Europe and innumerable organisations all the world over, joined their forces to combat the growing menace of Fascism and world war. The Indian National Congress was taking full part in this world organisation and was represented by Mr. V. K. Krishna

Menon. What was the setting for this concourse of men and women of various organisations and nationalities when they sought to promote world peace? For a decade past, there were rumours of wars every now and then and just when the Congress met, the world seemed to be on the very verge of the precipice with the clouds of a world lowering war on its head. Spain was already the scene of a bloody civil war and her neighbours while pretending neutrality were ranging themselves on one side or the other of the combatants. In Spain a peacefully elected democratic Government representing the progressive forces was suddenly attacked by Rebel groups with the aid of a mercenary army from abroad. There is a view that the quarrel in Spain Spain was really one between the Standard Oil Company and the Royal Dutch Shell Firm and we need not feel aghast at such a suggestion when we know how the armament kings of Europe supplied munitions to their own enemies to be used against themselves not seldom with the knowledge of their own Governments. We shall see later on how the President of the Indian National Congress himself paid a visit to Spain and on his return organised the despatch of food materials to the starving peoples of that country. But at the time of the Peace Congress, the President sent a message of greetings to the World Peace Congress in the following terms :

"While we desire peace and try to check the forces making for war, we feel that real peace can only come when the causes of war are removed. The Peace Congress therefore must try to discover these causes of war and seek to remedy them. Otherwise all its efforts will be largely wasted. We need not touch upon those causes which make for war in the world and which are at present agitating Europe, for you are well acquainted with them. But I should like to emphasize that peace in colonial countries can only be established with the removal of imperialist domination. Peace cannot be made an excuse for the continuation of that domination, for imperialism is itself the negation of peace. Therefore, for us in India, as well as for other countries situated like us, the first step must be political freedom to be followed, I hope, by social freedom. Thus we shall be able to build up in our country, in common with the rest of the world, an enduring foundation for peace and freedom and human progress.

"In India today we suffer from all the ills of imperialist domination and exploitation, and our energies therefore are directed towards the removal of these evils. The New Act which the British Parliament has passed with reference to the Indian constitution strengthens this imperialist domination instead of weakening it. Therefore we have to combat it and we should like our comrades of other countries to realise this present position in India and the difficulties we have to face. In the economic sphere the distress of the peasantry as well as of the workers and of large number of middle class unemployed is acute. Thus the economic situation has reached a stage when a mere political solution without the solution of the economic problem will bring little relief to the people. Still the political solution must inevitably precede all other steps. And that political solution can only be the independence of India. The Indian National Congress stands for this independence because it believes that only thus can it solve the social problem that confronts the country.

"But while our National Congress works for Indian independence, it does not believe in an isolated and aggressive nationalism. It looks forward to a world order based on equity and co-operation between nations. We trust that the World Peace Congress will work to this end so that the root

causes of war might be removed and an era of peace and progress dawn on this distracted world."

The year 1936 was a year of great unrest and repression in which searches, arrests, convictions and fantastic orders were the order of the day. Innocent books like '*Why Socialism*' and '*Soviet Sidelights*' were seized and taken away, also books like the "*Wide Sea Canal*" by Gorky, Sherwood Eddy's '*Challenge of the East*,' '*U.S.S.R.—hand book*' and '*France today*' and '*People's Front*' by Maurice Thoros, also '*Dariye Dav Lagyo*' (Sea is on Fire—a Gujarati book by Mr. Bhatt of Ahmedabad). As many as 348 newspapers had to cease publication in the space of a few years prior to 1936 owing to the operation of the Law of Sedition, the Sea Customs Act, the Ordinances Act and the Board of Censors. Students were externed, Resolutions of Municipalities to present addresses of welcome to the Congress President at Lyallpur were suspended. Labourers' rights were restricted. The infection spread to Pondichery as well, a French settlement. A manifesto of the Communist Party was declared forfeit to Government. A postal envelope with a printed picture of Gandhi was redirected to the sender with the remark 'Proscribed;' open air meetings, processions and demonstrations were prohibited in a suburb of Calcutta under Section 144 Cr. P. C. Praja Samities or Peasants' Committees were interdicted. Detenus were freely arrested for technical breach of rules regulating their movements. Indian States like Kapurthala, Jodhpur, Mysore, Baroda, Sirohi, Marwar, Rajanandagaon copied the policy of repression. In the midst of this dense and dismal darkness, there peeped in a ray of light from the heights of Almora where Khan Abdul Gaffar Khan was released on August 1, 1936 on the expiry of his term of imprisonment. But orders banning his entry into the Frontier Province and the Punjab were served on him at the Jail gate, the allegation of the North-West Frontier Province Government being that he had acted in a manner prejudicial to public safety while the Punjab Government only said that he had acted or was about to act in a like manner. There was too, a prisoner in the Lahore Central Jail, Shri Paramanand who was a Lahore Conspiracy case prisoner of 1914-15 and therefore had put in 23 years in Jail. In the House of Commons, it was stated on behalf of Government that it was not proposed to discharge him. It may be noted that there were in July 1936, over 2,000 detenus in Bengal alone and yet repression was being pursued with ever more vigour and persistence. Not less than fifty Socialists and Congress workers of the Punjab were served with orders not to leave their villages. Three cases of alleged suicide amongst the detenus of Bengal took place one each in September, October and November, 1936 and called forth a demand from the Poet Tagore for a public enquiry. The Bengal Government armed their executives, particularly the Commissioner of Police, Calcutta, and certain District Magistrates with fresh powers over and above those conferred on them by the Bengal Public Security Act of 1932. Revolutionary and communistic propaganda was the subject o general charge. These wide and vague powers only ended in penalizing Youth Leagues, and labour and socialistic organizations. Terrorist and revolutionary suspicions had not altogether disappeared. "Home internment" was widely adopted in Dacca.

"An order was issued on August 4, that no person between the ages of 12 and 30 shall "sit or loiter between sunset and sunrise" in 19 places at Dacca and 16 places at Narayanganj including parks, play-grounds and temples for one year. Disobedience of the order would be punishable with

six months' imprisonment and fine. Such order was issued for the third time since the Bengal Suppression of Terrorists Act had come into force.

"After protracted negotiations the Bengal Government informed the Calcutta University that the interruption in school work caused by encampment of troops in school buildings in District town would henceforth be avoided as far as possible. The Government had at first contended that no such interruption was caused.

*Delhi*:—"The number of persons externed from the city of Bombay under Section 27 of the City of Bombay Police Act 1920, during the years 1933-34, 1934-35 and 1935-36 was 346, 578 and 663 respectively.

"During this period 67 deportation orders were issued under Section 3 of the Foreigner's Act III of 1864. Of this number, many orders were served on persons concerned on the expiry of sentences which they were serving.

*Sindh*:—"Professor S. P. Vaswani of the D. G. National College, Hyderabad Sindh, was asked to resign his professorship within three days as he was supposed to be taking active part in Congress politics and had lodged Mr. M. R. Masani in his house.

*N. W. F. P.*:—"The Governor directed that Sections 5, 16 and 17 of the Public Tranquillity Additional Powers Act would remain in force in Kohat, Bannu, Dera Ismail Khan and Hazra Districts till December 23, 1936. The Act had already been enforced in Peshawar District.

*Press Repression*:—The District Magistrate of Poona demanded a security of Rs. 1,000 for the publication of a Marathi Daily *Lokashakti*. Securities of Rs. 2,000 were demanded from an Amritsar Daily *Punjab Kirti* for publishing extracts from the speech of the President of a political conference. The *Hans* a purely literary monthly, devoted to building up a common platform of various Indian languages had been required to submit a security of Rs. 1,000. Demands of securities of Rs. 1,000 and 2,000 were made from a Patna Weekly *Azad* and Agra Weekly *Sainik* respectively. The sums had been deposited. *The Mazdoor*, a labour weekly of Calcutta had to cease publication consequent upon a demand of security."

Repression did not begin in 1936. The incidents herein described form only a drop in the river that became perennial in its flow. The first thing that the President addressed himself to after the Lucknow Session was therefore the formation of the Indian Civil Liberties Union with Shreemati Sarojini Naidu as the head of the organization and Dr. Rabindranath Tagore as the Honorary President.

At the first sight, the starting of a Civil Liberties Union in India may strike the Indian politician as the imitation of a practice which has legitimately crept into western democracies for the protection of Civil Liberties would undoubtedly be a factor of national concern in order to preserve and perpetuate the hard-won civil liberties which stand in constant dread of being overrun by the leaders of democracy themselves. After all, democracy too must submit to the rule under individual discretion and judgment of ministers who are the chosen few of the nation. Once installed in power, they must 'govern or get out' and while governing is a difficult process, getting out is a slow process. Between the two, it is quite possible, nay, it is quite usual for popular ministers to encroach upon the rights of the people and the Civil Liberties Union under the conditions would be not only in the fitness of things but become an urgent national desideratum. In effect then, the scope, structure and functions of such a Union would be to correct the lapses from the rights, privileges and prerogatives of the

populace as guaranteed by charters, acts, and conventions. In India on the contrary where no rights exist for the people, when the so-called constitution itself is undemocratic and is a standing negation of civil rights and popular liberties, a Union such as the one contemplated would be more or less an imitation unless it super-arrogated to itself the whole range of the stupendous task undertaken and carried on with success by the Indian National Congress for over half a century. For the Civil Liberties Union that is contemplated should in the case of India strive to *establish* civil liberties in the first place, not merely *preserve* them as in the case of France, America or England. But one justification we can sense instantly and instinctively. The Union that was being established in 1936 might form the nucleus of that larger Union which must necessarily function even after India shall have established a full democratic constitution,—a development which we can easily concede in view of the fact that the League of the Rights of Man was founded in France in 1898 and that the Civil Liberties Union in America was started in 1920.

An instructive publication of the Foreign Department, All-India Congress Committee, Allahabad "*On the struggle for Civil Liberties*," by Ram Manohar Lohia, in 1936 gives a succinct account of the development of such unions in France, America and England with a note on the concept of civil liberties in India. It would be interesting to recall a few of the facts as mentioned in these pages which refer to the pre-war period. Even amongst nations like the French and the Americans whose forbears had shed their blood for the termination of autocracy and the establishment of civil liberties, so many injustices, arbitrary acts, abuses of power and illegalities are done against the individual, the associations and the peoples of the country that Leagues have had to be started in order to make appeals to public conscience, representations to public authority, submit petitions to Parliament, publish literature, hold conferences, organise demonstrations from time to time. The French people need not be reminded of the slogans which moved them in their great revolution and yet such elementary rules and propositions which formed the basis of revolutions are honoured in their breach not seldom but often times. "Men are born and live free and equal before Law" but the courts and the executive make distinctions between man and man. Though the natural rights of man comprise liberty, property, security and resistance to oppression and sovereignty is said to reside in the nation with the law as the expression of the general will, yet the number of cases in which the union has had to intervene for the breach of these clear injunctions is by no means insignificant. It is claimed that even in the midst of a war it is the right of a citizen to suggest a compromise, to ask for the change of a constitution and to visualise peace. Yet those who acted upon these claims have had to suffer imprisonment for years. In France, the League has sought to adapt judicial and executive action to its principles and see justice is done from day to day to individual sufferers. Public opinion is agitated through the press and the platform and brochures are published on various sensational cases. Individual cases of political prisoners are examined and representations made to Government. The French League does not confine itself to the defence of rights against the overt attacks of laws of sedition, of the press, of restrictions of freedom of association and those of arbitrary executive action or miscarriages of justice, but strives for the triumph of democracy and peace without which ' human liberties ' stand in danger of being engulfed by dictatorial authority '. The League has further interested itself in the problems of bread to workers,

labour to youth, liberty of conscience to all, liberty to ' strike ', and the deliverance of the State and organs of information,—the press, from the tyranny of financial oligarchies. It stands for the nationalisation of banks and the ' arms ' industry and the termination of war and finally the grant of freedom to colonial peoples. It will be thus seen that the League works on a plane which is not merely judicial or executive but is political, aiming at a positive defence of democracy and republicanism.

In a country like the United States which has been regarded for decades as the homeland of democratic rights, it is extraordinary to notice how " these rights have been rapidly invaded by a steady development of the influence of the moneyed magnates and oligarchic groups. There was a time when interference with ' strikes ' only arose when principles broke out into overt acts against peace and good order. Today, the strikes in America are sought to be subdued by sallies of military character and bombers are sought to be manufactured at the point of the bayonet. One should have the thought that in a country like ours, " an imprisonment of five years for a mere expression of an erroneous or even an illegal political doctrine unaccompanied by an overt act," was, even in India, an exhibition of repression not justified by the conditions of the case. But that is what happened in the case of America. Proofs are not wanting of cases of miscarriage of justice, symbolic of military and judicial administration that is blatantly on the side of big property." When we turn our attention to the rural conditions and the struggles that have developed in the last decades in the U. S. A. in the wake of a fall in agricultural prices, the heavy charges of the monopolists, the railway interests and the banking operations, we begin to wonder whether the dire straits to which the American peasant has been reduced are not reminiscent of the poverty and hunger of the oppression and the repression of the small landowning farm-owners and farm labourers in India. There they have to struggle against the same " chattel mortgage, andforeclosures " and attempts to make auction—sales impossible as are not unfamiliar to the no-tax campaign in India. If farm machinery could not fetch As. 4 for an item and a team of horses has failed to sell, need we say how widespread must be the resentment of the farmers against the invasion of their liberties and how it sought to meet them by organisation of strikes ending in conflicts and armed encounters between the gangmen of the companies and the State militia. The system of share cropping prevalent in Southern States of America and the awakening of the tenantry to a sense of their rights had met with valiant reprisals ending in imprisonment of farmers, banning of meetings and their final dispersal by violence. In the American colonies such as the Philippines, Porto Rico, Virgin Islands, Hawai, Samove, Guan and Haiti, peaceful assemblies for the redress of grievances are prohibited. The right of free speech is severely curtailed by the laws of sedition and the use of military, banning of organisation and the exiling of undesirables are not uncommon." We are further told that at back of this repression lies the resentment against the imposition of an American culture, American commercial interest of centralised and arbitrary government by American officials all of which have led to a consciousness of the absence of civil rights for the preservation of which a ' civil liberties union ' was started and organised in 1920. Some of the pin-pricks prevalent in the States remind us of like conditions in India,—a circumstance which one would hardly believe. In several States, the teachers are requested to take oaths of loyalty. In one State, a statement that ' People ' can force Congress to change conditions is construed as sedition. Libraries

are censored and text books expurgated, Auditoriums of schools are refused to political organisations of a radical profession. Above all there is the organisation of private violence connived at by several States while in others the political machinery is in the employ, more or less, of big interests.

The civil liberties union of America planks its campaigns under four sections evolving its fights on 14 different fronts. (1) Freedom of opinion including education, release of political prisoners, immigration and deportation laws, public places in all areas or cities for purposes of meetings, (2) Right of labour and peasantry including strikes and picketing, (3) censorship particularly over radios, motion pictures, books and post office and (4) the fight for racial minorities..

In England too, which is considered to be the home of democracy nurtured by the Mother of Parliaments, the inroads on civil liberty have been begun in right earnest. It is true, women were once denied franchise, admission to the bar and universities, and the Roman Catholics were not admitted into the Universities or civil service. But these are chapters of past history and one should have thought, that in England the house of every Englishman is truly his castle. But it is not so. We all know how the triple strike was declared illegal by Sir John Simon when he was Attorney-General. Wrongful arrests and questioning in regard to offences, and refusal of bail are a common form of the rapidly developing influence of wealth, and wealthy organisations on civil liberty. "Loitering with intent" has become of late the fad of individual policemen, often it is said for an eye on promotion. To expose the police action of wrongful arrests publicity in the press and parliament has become necessary. The injunction of the Royal Commission on Police Powers and on proceedings against the Police questioning a person in custody or in prison about his crimes or offences are not honoured in their observances as they ought to be. At the behest of the Police, bails are either refused or excessive demands made. *Agents provocateurs* and detention of arrested persons are prevalent in England.

We have often wondered how the British Government in India pressed into service obsolete laws, which were revived to effect deportations and how section 144 of Cr. P. C. and section 108 of Cr. P. C. have been made to depart from their original purpose and put to uses other than originally intended. If it is some satisfaction to us to know that a similar misuse of legislation exists in England, let us recall the fact of how a law made 100 years ago to prevent " the blowing of a horn or a noisy instrument was recently used by the Police to prevent a loud speaker campaign for the Peace ballot. Likewise, a statute of Edward III passed in 1361 was recently used to imprison persons who have done nothing but who, the Government suspects, might say something dangerous. It is to combat such invasions and inroads that the British Civil Liberties Union has been started for these restrictions are regarded as danger signals. And too, the right of free assembly and procession has recently come to be severely restricted by Police bans, departmental encroachments and local legislations which have no legal validity. The Police have begun to ban public meetings on the plea of obstruction to traffic at traditional meeting places. The Albert Hall lessees have declined the use of the Hall for a type of political meetings and professors or teachers have been victimized, who are known to express pronounced views on such subjects as war and peace. The B. B. C. is again an object of complaint for the way it discriminates as between differing views. In England too, they passed ' The Incitement to Disaffection Act ' in 1934 which presents clauses tending to suppress freedom of opinion in the country without in

any way inciting the soldiery to disaffection. A huge agitation had to be set on foot and a conference accompanied by mass demonstrations had to be organised in order to awaken the British citizen to the dangers this new legislation represented. It is not in India alone that we find difficulty in getting certain materials printed. In England too, certain printers have refused to print certain legal materials out of fear. It has been stated that while in America, it is the law that has become the danger to civil liberty, in England it is the administration that is to be blamed. The British Union takes note and espouses the cause of all peoples under British Parliament. The National Council of Civil Liberties was formed in the wake of the Act of 1934 as a non-party and undenominational organisation. The Council secures its reports under 9 heads,—(1) Meetings, (2) Processions, (3) Propaganda, (4) Irregular police actions, (5) Censorship, (6) Victimisation, (7) Searches and Prosecutions, (8) Refusal of Passports for Political views, and (9) Unwarranted deportations for political views."

Let us now revert to the events in India and the work of the Congress. One other notable feature of the year's work was the regular functioning of the Parliamentary Committee of the Congress and the Labour Committee appointed at the previous session. The preparation of the Election Manifesto in connection with the elections to the Provincial Legislatures in the ensuing February (1937) was the *magnum opus* of the former. Three and half crores of citizens were enfranchised as voters at these elections and the gospel of the Congress which hitherto had not penetrated the remote villages of the country was bound, particularly in view of the fact that it was decided to contest Muslim seats as well as seats of the Scheduled classes, to permeate the farthest crevices of the country through the election manifesto, the draft of which was duly approved at a meeting of the A. I. C. C. held in Bombay on 22nd and 23rd of August, 1936. Here is the essence of the manifesto:—

The Manifesto dwelt upon the economic crisis in India and the poverty and unemployment of the peasentry and the industrial workers. The problem of national independence has therefore become an urgent one for the vast millions. But their struggles in this behalf have only resulted in intense depression and the supression of Civil Liberties. The Congress has rejected the Government of India Act of 1935 and has resolved to develop internal strength by working in the legislatures. The policy of Congressmen will be to resist British Imperialism and to end its various Regulations, Ordinances and Acts. It stands by the Karachi Resolution relating to Fundamental Rights and Duties and will give its first attention to Prohibition, Land Reform, reduction of burdens on lands, war taxation or rent, the removal of intermediaries, the scaling down of debts, and cheap credit facilities. In the domain of industrial labour; decent standard of living, regulated hours of work and conditions of labour, settlement of disputes and relief against old age, sickness and unemployment and the right to form Unions and to declare strikes, will be the Reforms aimed at. Removal of sickness-disability, maternity-benefits and protection of women workers, equality with men in regard to the privileges and obligations of citizenship, the removal of untouchability and uplift of the Harijans and backward classes, encouragement of Khadi and Village Industries, improvement in the treatment of political prisoners, readjustment of communal claims will largely constitute the programme of the Congress in the legislatures. The question of acceptance or otherwise of Ministries would be considered after the elections.

The Labour Committee with Shree Kripalani as its secretary drew up a programme of work which included the collection of information regarding

Labour Unions and organisations and Indsutrial disputes. But what really promised to be of greater interest and importance was the approach of the All-India Trade Union Congress expressing its desire to meet the members of the Congress Labour Committee. Accordingly representatives of the A. I. T. U. C., N. F. T. U., All-India Railwaymen's Federation, Ahmedabad Textile Labour Association, All-India Postal and R. M. S. Union and All-India Press Workers' Federation, were invited to meet the Committee at its next sitting. In addition, the Congress President had been invited by and was present at, the 15th session of the A. I. T. U. C. held in Bombay on May 17, 18 and 19th under the Presidentship of Shrimati Maniben Kara. The conference addressed itself to important problems such as unity with the A. I. Trade Union Federation, fight for freedom and closer contact with the Indian National Congress. The conference of the Labour Committee with the representatives of the several organizations invited, addressed itself on August 18, 19, 1936 to the question as to how best the Congress could help labour organizations in their difficulties and could be useful to them generally. The employers in the country were urged to give their attention to the necessity of giving facilities to the workers for building up Labour organisations giving recognition to *bona fide* unions, for the purpose of negotiation and refraining from victimizing workers who participate in the activities of the unions. The Congress parties in the Legislatures were recommended to secure suitable legislation for the purpose of giving adequate wages to workers and generally according fair treatment to them. The attention of the States and Congress Committees in 'British' India was drawn to the growing necessity of taking steps to improve the conditions of Labour and to take more active interest in questions affecting the welfare of Industrial labour. Again the increasing transference of Railways to the State, and the retrenchment in the State-owned Railways and the reduction in the scale of salaries of lower paid grades of service therein created problems which the Labour Committee and conference recommended to the attention of the Working Committee for the adopting of suitable resolutions.

It would be readily seen how the Congress was fast developing a parliamentary phase of activity and how discipline constituted the very basis of its successful conduct. But indiscipline had already raised its head here, there and elsewhere. It was in connection with an incident at Trichinopoly that Sri C. Rajagopalachari thought fit to offer his resignation of membership of the Working Committee thus offering a vicarious sacrifice. Sri Jaya Prakash tendered his resignation of the membership of the Working Committee. He had felt that as he had not become a member of the All-India Congress Committee for some months after the Lucknow Congress, it was not desirable for him to continue as a member of the Working Committee and therefore he had not even stood for the A. I. C. C. at the last meeting of the Bihar P. C. C. These two vacancies were filled up by the appointment of Shreemati Sarojini Naidu and Shri Govinda Vallabha Pant.

Before we conclude the chapter on the Lucknow session, we deem it proper that the exact position of the President of the year must be made clear in his own words :

" As President, I was the chief-executive of the Congress and was supposed to represent that organisation but in some major matters of policy, I do not represent the majority view-point to which expression has been given in the resolutions of the Lucknow Congress. Thus the Working Committee could not at the same time represent on these matters my views as well as those of the majority." Here arose a situation which was not unlike that

which, as will be seen later, arose at Tripuri (1939) and after the Allahabad Session of the A. I. C. C. in April, 1942. But through patience, self-surrender and recognition of actualities around him, Jawaharlal though he says "he was tempted to shift the burden of selection on the A. I. C. C. so that this committee might choose such persons to represent it as it thought fit and proper" "after much thought came to the conclusion that this would not be a proper course to adopt" and "did not shirk the responsibility" cast on him. The Committee represented mainly the majority view-point but also contained some representatives of the minority and Jawaharlal hoped that the Committee would pull together in the struggle against imperialism worthily.

In a communication to his friends and critics Jawaharlal restated his difficulties after Lucknow. "I believe," he said, "I have been frank enough at Lucknow and later about the anomalous position which I occupy in the Congress executive. That curious and somewhat embarrassing position has, however, nothing to do with my socialist faith. It was entirely a political difference which saw the light of day at Lucknow. None of us made a secret of it for we felt that about vital matters we had all to be perfectly open and above board and frank with the public whose suffrages we seek and who will be arbiter of India's destiny. So we agreed to differ and differ openly. But having done so we also agreed to cooperate and pull together. Not only because of the large cause of Indian independence which we all had at heart but also because our points of agreement were far more numerous than our points of disagreement. There was inevitably a difference in outlook in various things. All this was political not social, except in so far as socialism produced this difference in outlook and stress. Nothing that could be called socialistic appeared in any of the resolutions at Lucknow. Even the socialists realised that the primary issue was political, that of independence, and on that they concentrated. To talk of splits and the like is an absurdity. There can be no division in our ranks when the call of independence came to all of us and tingles the blood in our veins. We may agree or disagree. We may even part company sometimes. But we still march together to the tune of that call." He met also the criticism against him for his alleged disparaging remarks about Khadi. "I have stated often enough" said he, "that I do not consider Khadi as final solution of our economic ills and therefore I seek elsewhere for that final solution. But still I believe that situated as we are today, Khadi has a definite value, political, social and economic, and must therefore be encouraged." He further stated that he believed in the basic economic theory which underlay the social structure of Russia. He thought also that Russia had made remarkable progress culturally, educationally and industrially and even spiritually if it might be the word in its real sense. Nevertheless, he did not accept or approve of everything that had taken place in Russia and he did not therefore propose to follow blindfold the example of Russia. Therefore, he preferred to use the word socialism rather than communism because the latter had come to signify Soviet Russia. In the ultimate analysis, however, there is little difference between what Jawaharlal sought and what his colleagues sought. "What I seek is an elimination of profit in society and its replacement by a spirit of social service, cooperation taking the place of competition, production for consumption instead of profit because I hate violence and consider it an abomination. I cannot tolerate willingly our present system which is based on violence. I seek therefore a brave, enduring and a willing system from which the roots of violence have been removed and where hatred

shrivels up and yields place to nobler feelings, all this I call socialism." Call it socialism or call it Gandhism that is exactly what Congress seeks. And too, there is much more in common between what Congress seeks and what Jawaharlal seeks, for says the latter, " but before socialism comes or can even be attempted, there must be the power to shape our destiny. There must be political independence. That remains the big and all absorbing issue before us and whether we believe in socialism or not, if we are serious about independence, we must join forces to wrest it from unwilling hands." Really and honestly, the Congress under Gandhi's guidance does not even wait for independence to weave its web of socialism for, the warp of economic reconstruction of the village and the woof of social unity, with the borders of moral regeneration are being woven together into the fabric of Indian nationalism on the loom of time, day and night, without, however, the worries of work and wages.

## CHAPTER II

### I

### Faizpur Session—December 1936

The next session of the Congress was invited to Faizpur, a name unknown to history or geography. Hitherto it was the cities that vied with each other to share the honour of holding the different sessions of the Congress and associating their momentous decisions with their own names. Bombay, Calcutta, Madras, Allahabad, Lahore, Benares, Lucknow, Nagpur, Amraoti, Bankipore, Karachi, Poona, Ahmedabad, Surat, Gauhati, Amritsar, Gaya Cocanada, Belgaum, Cawnpore, Delhi, these were the cities that in the eye of the country had the title as well as the capacity to invite the nation and offer it their hospitality during the annual session. But after the Satyagraha movements of 1930 and 1932, it was felt by Gandhi who had inaugurated the Village Industries Association in October 1934 that true India dwelt in the seven and a half lacs of villages of India and not in the three thousand towns or cities. The larger cities had their innings, then came the turn for relatively smaller cities like Cocanada and Belgaum in 1923 and 1924 but soon there was a lapse back to the larger cities and it was Gandhi's wish that instead of bringing the villages to the Congress held in cities, the cities should be taken back to the village and villagers. They must now learn to organise the national assembly and presently to control it. Thus it is that Faizpur, Haripura, Tripuri, and Ramghar have become historic places in the development of Indian Nationalism.

There is another small circumstance which in itself is not small but which in relation to India's struggle for freedom has assumed little importance. India is considered the brightest gem in the diadem of the Empire. There were days when such sob-stuff was offered to us as a consolation to our slavery and suffering. India is not merely the gem but diadem itself,—stone, gold and casket, and the Royalty that wears the crown has sat very lightly on India this century and a half. Few have seen the King in this country nor does kingship appeal to Indian sentiment as real Indian Kingship might possibly have appealed in a remote past. These are perhaps days when Kings and thrones have become chapters of past history and many crowns have gone into the melting pot. Yet in Britain, leave alone India, there is a charm about royalty which does not wear off readily. It furnishes the meeting point of the energies of the nation and the focus around which the conflicting forces harmonise themselves. The British people,—when it came to that,—were not afraid to behead or to depose their Kings but, for centuries these experiences had been luckily unknown in the recent past. The passing away of King George V brought his eldest son, King Edward VIII to the throne. King Edward was known to be somewhat unusual as the Prince of Wales. He had leanings towards Socialism and hated the conventions alike of royalty and society. He took a living interest in the upheaval of the miserable lot of the *have-nots* and paid frequent visits to the unemployed in their homes in Wales and elsewhere. Aristocracy was not a little scandalised by the unconventional and unsophisticated methods openly and deliberately pursued by the King. Albeit, in May 1936, a Royal

proclamation was published announcing that the Coronation of the King would take place on the 12th of May, 1937. In his speech at the opening of his first Parliament in 1936, the King declared his intention of visiting India after Coronation to take part at the Durbar for the proclamation of his accession as Emperor. On the 2nd of December, however, a crisis ensued. The Bishop of Bedford expressed the hope that the King was aware of his need of God's grace, adding that the benefit of the Coronation depended on the self-dedication of the King himself. The fact was that the King had intimated to his ministers his desire to marry an American lady Mrs. Ernest Simpson who had previously divorced two husbands both of whom were living and one of whom was a British subject. The ministers did not view the proposal favourably. Mr. Baldwin on December 4th, announced in the House of Commons that His Majesty's Government was not prepared to introduce special legislation, to allow of a morganatic marriage. And on December 10th the King's message signifying his determination to abdicate, was read by the Speaker in the House of Commons. The Abdication Bill was duly passed by both the Houses and received the Royal assent; and overnight in darkness and drizzle, the ex-King was packed off to an unknown destination beyond the seas. Here then was a man who threw away " a kingdom for a girl " and has since retained his happiness as an unsophisticated citizen of the world. The rest of his career does not really concern us, but as Duke of Windsor, Edward has been serving the nation through peace and war, though it is strange that during the course of the war he was sent away as Governor of Bermudas with a population of fifty thousand.

In order to obtain a correct background for the historical picture of India in 1936, we have travelled awhile over Britain and must roam wider afield into the realms of Russia whose new social order was rapidly settling down from the stage of New Economic Policy (N. E. P.) with vestiges of old capitalism still intact to the establishment of the New Constitution marked by a complete liquidation of capitalism in all spheres of national economy,—all this, through the period intervening between 1924 and 1936. It was on the 25th of November, 1936 just a month prior to the Faizpur session of the Congress that in the great Kremlin Palace 2040 delegates gathered to discuss and adopt the New Constitution of the U.S.S.R. It was the embodiment of, even as it was the testimony to, the economic and political, the cultural and social progress achieved, particularly during the previous twelve years. In one bound, what was purely an agricultural State in the world was transformed into one of the most advanced powers of the world where the industries flourished commensurately with agriculture, organised according to modern technique. The New Constitution introduced a new era and a new organisation of the State. Joseph Stalin, the successor of Lenin came to power at the early age of 34 while Lenin himself was 47 when he rose to be the head of the Russian State. And at the eighth Congress of the Soviets, Stalin spoke in the midst of loud ovations, roars and hurrahs, on the formation of the constitutional commission and its tasks, the change in the life of the U. S. S. R. from 1924 to 1936, the principal features of the new draft constitution, the bourgeois criticism thereon, amendments proposed and the significance of the constitution. The N. E. P. was in its first period permitting a certain revival of capitalism while developing socialism to the utmost. " Our industry " said Stalin, " presented at that time (1924) an unenviable picture and agriculture, an even more unsightly picture. The class of landlords had already been liquidated but the class of *Kulaks* still

represented a considerable force. Agriculture as a whole then represented a vast ocean of small individual peasant economies with their backward and medieval technique. The same should be said about commodity circulation in the country. The Socialist, the social sector, constituted some 50 to 60 % in commodity circulation, no more." By 1936, capitalism was wholly liquidated, industry grew into a gigantic force and agriculture was organized under the largest system of mechanised production in the world equipped with the new technique of collective and state farms. The merchants and speculators were completely driven out of the field and the entire commodity circulation passed into the hands of the co-operative and the collective farms. Thus was the exploitation of man by man abolished and socialist ownership in the means and implements of production established. Those who were deprived of their civil rights and were outcasts in the country covering the categories of the white guardists, the former landlords, Kulaks, Clergy, former members of the aristocracy, the Czarist Police and the military officers and the like were restored their civil rights. The proposal to amend the constitution so as to take away the rights of secession was recommended only to be rejected so as to retain the character of the U.S.S.R. of a *voluntary* Union of Union Republics with equal rights. Stalin was equally opposed to the abolition of the Second Chamber, namely the Council of nationalities as the U. S. S. R. was a multinational State. Then again Stalin equally opposed an amendment to Article 124 to the effect that religious rights in the U. S. S. R. should be forbidden. Such an amendment, said Stalin, is in disharmony with the spirit of the constitution. Finally the proposal to disfranchise the clergymen, former white guards, All-have beens, and persons not engaged in socially useful labour, or at least to give them the right to elect but not to be elected, was equally to be rejected for according to Stalin, Soviet power had disfranchised the non-labouring and exploiting elements not for ever but temporarily up to a certain period. " The Soviet law which deprived them of suffrage was a retaliation of the Soviet Government. Since then quite some time has elapsed." Concluding Stalin said, " now that the turbid wave of Fascism is besmirching the socialist movement of the working class and befouling the democratic aspirations of the best peoples of the civilized world, the New Constitution of the U. S. S. R. will be an open indictment against Fascism and will be a moral help and a real support to all those who are at present waging a struggle against Fascist barbarism."

Is it any wonder that at Faizpur the atmosphere should have been sureharged with socialist slogans, emphasising the rights of workers and peasants on the one hand and declaiming against the forces of Imperialism and Fascism on the other? Indeed the suggestion of the Socialist Party at the Subjects Committee of the Faizpur Congress urged that " the Congress declares the solidarity of Indian people with the enslaved peoples of the world whether the colonial or the so-called 'Sovereign' States and with the people of the U. S. S. R." This was but to be expected for the call comes from Russia, from Stalin when he says, " this will be a document testifying to the fact that what has been realised in the U. S. S. R. can be fully realised in other countries too." To this call, comes the response in less than a month from the Congress Socialist Party at Faizpur.

It was four weeks after the Russian Constitution was passed and two weeks after this unique event of King Edward's abdication that Faizpur session met in the bamboo city that was specially erected for the nonce and was named Tilak Nagar. When a whole nation's representatives met in the village surroundings of Faizpur, one should have thought that the

atmosphere of the Congress might be clouded by the proximity of the events in England. But India has never thought of its future in terms of Kingship except in so far as she wanted to boycott the ' ensuing ' coronation and it is a point of doubt whether this change of personnel of the sovereignty did not help to make the boycott of the coronation of a King who was not born for the toils and moils of the Kingship, less interesting than it might otherwise have been. To her, true sovereignty rested in the people and all power and authority emanated from them and the abdication of the King in England if anything, strengthened India's grip of the idea of complete Independence in the rural atmosphere to which lakhs of villagers were drawn.

The Faizpur Congress was from all accounts a great success. Perhaps it was a better success than anticipated. For one thing the talk about ' mass contacts ' conceived in a particular spirit, became not merely a programme for the future but a *fait accompli* in the organization of the Faizpur Session itself, for the power behind the Congress was Gandhi and Gandhi in the penumbras of retirement was no less a force than Gandhi in the limelight. The beautiful exhibition, of course, was his special concern. He had looked into the minutest details of all arrangements. But it is no use having a pure fountain spring of life-giving waters if the channels along which they course are polluted. The source of ideas may be exalted and uplifting but if the executive does not share that spirit of uplift and exaltation, there will be a marked diversion between principle and policy, between ideas and plans, between theory and practice. Here in Faizpur, luckily however, the moving force, indeed, the prime mover was Shankar Rao Deo, an ardent and intelligent follower of Gandhi and one being the Maharashtrian that he is, endowed with profound practical wisdom. The President too had softened down a good deal since he bewailed his fate in winding up the Lucknow session. His grip of realities during the previous eight months began to bridge the gulf, yawning at Lucknow between himself and his environment. When his name was mentioned for the Presidentship of the Congress, he made a statement of a challenging nature in which he asked the country to beware of his socialistic principles and programmes. But nothing daunted, Vallabhbhai Patel gave a timely rejoinder which helped the President-designate to discover his bearings. If therefore the Faizpur Session sails smoother than that at Lucknow the reasons for the change would be found in a sense as much in the background of the Presidential election as in the schooling that the President of Lucknow had had for well nigh a year in the university of life. We take some extract from the relative correspondence.

"In a way, last year I represented a link between the various sets of ideas and so I helped somewhat in toning down the differences and emphasising the essential unity of our struggle against Imperialism. So undecided, I could say neither ' yes ' nor ' no ' definitely and I remained silent on this issue leaving chance to decide it. Nominations for the Presidentship have now been made and as the time for election draws near, I feel that I cannot remain silent any longer and I must tell my countrymen what my feelings are.

" I shall gladly welcome the election of any of my colleagues and co-operate with him in another capacity in the great enterprise we have undertaken. Should, however, the choice of my countrymen fall on me, I dare not say ' no ' to it. I shall submit to their pleasure. But before they so decide they must realise fully what I stand for, what thoughts move me,

what the springs of action are for me in speech and writing. I have given enough indication of this and from this I want to be judged."

Sardar Vallabhbhai Patel has issued a statement regarding his withdrawal from Congress Presidential election from which the following passages are taken:

"My withdrawal should not be taken to mean that I endorse all the views Jawaharlalji stands for. Indeed Congressmen know that on some vital matters my views are in conflict with those held by Jawaharlalji. For instance, I do not believe that it is impossible to purge capitalism of its hideousness. While the Congress holds to non-violence and truth as indispensable means for the attainment of independence, Congressmen, to be logical and true to their profession, must believe in the possibility of weaning those who are mercilessly exploiting the masses from what is a crime against humanity. I believe that when the masses awake to the sense of their terrible condition, they will know how to deal with it. There is no difficulty in my subscribing to the doctrine that all land and all wealth belong to all. Being a farmer myself and having identified myself with the peasantry for years, I know where the shoe pinches. But I know that nothing can be done except through the power of the people.

"There is again no difference of opinion about the objective. All of us want to destroy the imposed constitution. How to destroy it from within the legislatures is the question. It will depend upon the resources and the resourcefulness of those men and women who enter the legislatures under the Congress banner. The All-India Congress Committee or the Working Committee will define the Congress policy but its enforcement will depend upon the loyalty and resourcefulness of its representatives.

"The question of 'holding office' is not a live issue today. But I can visualise the occasion when acceptance of office may be desirable to achieve the common purpose. There may then be a sharp division of opinion between Jawaharlalji and myself or rather among Congressmen. We know Jawaharlalji to be too loyal to the Congress to disregard the decision of the majority, assuming that the latter lays down a policy repugnant to him. I am no more wedded to the Parliamentary programme than to acceptance of office. I only want to say that we might in the course of events be driven to such acceptance but it shall never be at the loss of self-respect or to compromise our objective. Indeed, I give this programme a secondary place. The real work lies outside the legislatures. Therefore, we have to reserve our strength and resources for working the constructive programme and consolidate our forces. The Congress President has no dictatorial powers. He is the chairman of our well-built organisation. He regulates the proceedings and carries out the decisions of the Congress as they may be arrived at from time to time. The Congress does not part with its ample powers by electing any individual—no matter who he is.

"I therefore ask the delegates to plump for Jawaharlalji as being the best person to represent the nation and regulate and guide in the right channel the different forces that are at work in the country."

The following statement was later issued by Pandit Jawaharlal Nehru from Hargaon in Sitapur district:

"As I was travelling from Allahabad to Bareilly I drafted a statement in train about the coming Congress Presidential election. I was in somewhat of a quandary and not knowing what to do, decided to take public

into my confidence. That statement seems to have given rise to some controversy in the Press. As I have been incessantly touring in the interior, I have not been able to see most of the Press comments and do not know what they are. Such as I have seen have surprised me for they seem to raise issues which I had not intended to raise.

"I did not wish to enter into this controversy, for I am placed in a peculiar position. I had no desire to be re-elected President and I had stated I would welcome the election of another and would gladly co-operate with him. Eminent and respected colleagues have been suggested for the Presidentship and election of any one of them would be in the fitness of things. Yet under the circumstances, as I pointed out previously I could not say 'no'. I have, however, just received a telegram to the following effect from two close colleagues of mine: 'Newspapers interpret your statement treating your election as a vote for Socialism and anti-office acceptance. We think it reiterates your own views on Socialism and at the same time treating political independence as of paramount importance and pleading for joint action and your election as no vote for Socialism or anti-office acceptance. Misunderstanding needs clearing.'

"In view of this request of my colleagues I cannot remain silent. I would and I have just heard Sardar Vallabhbhai Patel has issued a statement on this subject. But I have not seen or heard it so far and I do not know what the exact nature of it is. The view expressed about my statement in the above telegram is perfectly correct. It would be absurd for me to treat this presidential election as vote for Socialism or anti-office acceptance. I have expressed my views on Socialism and pointed out how this colours all my outlook and my activity. I have further expressed myself often enough against office acceptance and whenever opportunity occurs, I shall press this viewpoint before the Congress, but it is for the Congress to decide this issue directly and on full consideration of it and not as it were by casual and indirect vote. I do believe political independence is the paramount issue before the country and necessity for joint, united action on this is incumbent on all of us. I say this to remove any misunderstanding and not suggest even indirectly that I should be elected. If in spite of this I am elected, it can only mean my general line of activity during last eight months is approved by majority of Congressmen and not my particular views on any issue. Considerations that have led me to act in that way hold and in so far as I can, I shall continue to act in the same way whether I am President or not."

In his presidential address at Faizpur (1936) after welcoming back Khan Abdul Gaffar Khan from his internment and Sri M. N. Roy who had just emerged from "a long and most distressing period in prison" he dwelt upon "the triumphant course of Fascism in Europe" speaking ever in a more strident voice, and introducing an open gangsterism in international affairs and anticipated the world war to which it would lead inevitably, unless checked in time. The rape of Abyssinia and the tragedy of Spain were there as witnesses to it.

The foreign policy of Britain was not altogether innocent. The futile avowal of non-intervention of the League powers only helped to weaken the Spanish democratic government. British Imperialism was only the handmaid of the Fascist power. In the midst of this reaction, of all these reactionary forces "the Congess" the President said, "today stands for full democracy in India and fights for a democratic state, not for socialism It is anti-imperialist and strives for great changes in our political and econo-

mic structure. I hope the logic of events will lead to socialism; for that seems to me the only remedy for India's economic ills." Thereafter he turned to our National problems,—the new constitution, the election manifesto, the Constituent Assembly, the convention of all Congress legislators, the need to oppose the federal structure of the Act and to write on a clean slate afresh. The President then discussed at length the question of acceptance of office and reminded how at Lucknow he had ventured to tell the Congress that in his opinion, acceptance of office was a negation of the policy of rejection of the Act and how since Lucknow the election manifesto further clarified the position that we were going to the legislatures not to co-operate with the Act but to combat it. He had no doubt that "the only logical consequence of the Congress policy is to have nothing to do with the office and the ministry. Any deviation from this would mean a reversal of that policy. It would inevitably mean a kind of partnership with British Imperialism in the exploitation of the Indian people, an acquiescence, even though under protest and subject to reservations, in the basic ideas underlying the Act, an association to some extent with British Imperialism in the hateful task of the repression of our advanced elements."

"The real object before us", the President continued, "is to build up a powerful joint front of all the anti-Imperialistic forces in the country. The Congress has been indeed in the past and is today such a united popular front, and inevitably the Congress must be the basis and pivot of limited action. The active participation of the organised workers and peasants in such a front would add to its strength and must be welcomed. Co-operation between them and the Congress organisation has been growing and has been a marked feature of the past year. This tendency must be encouraged. The most urgent and vital need of India today is this united national front of all forces and elements that are ranged against Imperialism. Within the Congress itself most of these forces are represented and in spite of their diversity and difference in outlook they have co-operated and worked together for common good."

We may now proceed to a rapid review of the subjects discussed at Faizpur and the resolutions passed thereon. There is a certain disadvantage in studying the history of a country in broken instalments of even length for events do not lend themselves to natural pauses at stated times. But there is a certain atmosphere charged with certain electric currents which envelopes all along the political life of the nation and determines its reactions thereto from time to time. At Faizpur, as at Lucknow, we had the same thoughts of the World Peace Congress, the same apprehensions of a world war, the same poignancy over the deprivation of civil liberty and the same perturbation over the ensuing general elections in India. The Indian delegate attended the World Peace Conference at Brussels which was held in September 1936 and to participate in which Monsieur Romain Rolland, Honorary President of the World Committee against War and Fascism, had invited the Indian National Congress. To the Congress, there appeared no chance for World Peace so long as the domination and exploitation of one nation by another continued. The Congress indeed had been emphasising this view ever since 1927, for it could easily visualise the dangers of imperialistic wars and the inevitability of India being made a tool in such conflicts.

The Congress at Faizpur after making a pious resolve to warn the country against and to resist exploitation of India and her people, her man power and resources for the purposes of British Imperialism in the event of a world

war breaking out and after categorically stating that no credits must be voted for such a war and voluntary subscriptions and war loans must not be supported and all other war preparations resisted, addressed itself to the question of Peace in the frontier of India and friendship with our neighbours. It is the firm belief of the Congress that the policy pursued by the Government of India in North Western Frontier has been a total failure, conceived as it is in the interests of imperialism. The Congress believes that the charge laid against the frontier Pathan tribes as being fierce and aggressive, is baseless and that it is possible to make them a valuable source of strength by cultivating friendly relations with them. Nearer home, the unjust and inhuman policy of British Government in India in keeping thousands of Indians in detention for indefinite periods had come up for emphatic condemnation of the Congress. Their release and an inquiry into the causes which had led to the suicide of three detenus in three successive months as well as the closure of the Andamans which had been revived were the concrete demands made by the Congress at Faizpur.

But perhaps the most important of the subjects considered at Faizpur related to the elections and the Constituent Assembly, a convention of the elected members of the legislatures, non-participation in the coronation and other imperialist functions and finally the *hartal* on April 1, 1937. The last was meant to demonstrate effectively the will of the Indian people to resist the imposition of the unwanted Constitution which, the Congress considered, would be a betrayal of India's struggle for freedom and only result in strengthening the hold of British Imperialism and a further exploitation of the Indian masses. India claimed for herself the right to frame her own constitution and if a genuine democratic State, with its political power transferred to the people as a whole, should come into existence, it could only come through a Constituent Assembly elected by adult suffrage and invested with the power to determine finally the constitution of the country. The question of acceptance of office was once again held over to be decided by the A. I. C. C. as soon as possible after the provincial elections. But in the meantime, it was resolved that a convention should be held consisting of the Congress members of the various provincial and central legislatures, the members of the All India Congress Committee and such other members as the Working Committee might decide upon. It was through this convention that the demand for the Constituent Assembly was intended to be put forth. The Election Manifesto, already considered by the A. I. C. C. was duly endorsed and the Agrarian programme drafted at Lucknow was with certain modifications tentatively adopted and virtually incorporated with the Election Manifesto. The Congress having just undertaken a parliamentary programme could not possibly dally with any programme of Civil Disobedience while yet the burning issue of acceptance of office was awaiting settlement. Accordingly, it contented itself with a resolution of non-participation in the ensuing coronation functions without committing itself to a programme of boycott. This latter aspect of the matter as well as the rider to the resolution that the Congress desired to make it clear that its resolution was in no way intended to express any ill-will or discourtesy to the King's person, created a sharp and even acrimonious discussion but the resolution itself was accepted by the Congress.

## II

### Faizpur and after or the elections

The atmosphere at Faizpur which was rural in character was naturally charged with ideas of mass contacts and whether such contacts were sought to be promoted directly in the establishment of primary committees in villages and in the *Mohallas* of towns or whether organic connections were sought to be established between the Congress as the main body and Trade Unions, Labour Associations and Kisan Sabhas, the fact remained that it was sought to nourish the mighty stream of the Congress through the tributaries of mass organisation, enriching the contents of the national body in every respect. The same purpose was achieved really by the wide propaganda occasioned by the general elections. The enfranchisement of 3½ crores of voters including the wives of men voters and those that could sign their names gave an impetus to the awakening of women with their civic consciousness on the one hand and to the progress of literacy in one bound on the other. Thousands of women came forward to register their names as voters and thousand more of illiterate men who had just learnt to sign their names. It did not take long for Government to notice how a storm of political awakening was sweeping the country from end to end and to realise that after all although the enfranchisement extended to a tenth of the population, even so it was about to start a silent revolution in the country. In spite, therefore, of unequivocal declarations and assurances by the Under-Secretary of State, the Viceroy and others as to the observance of strict neutrality of Government Servants in the matter of elections to the Provincial legislatures, it was regrettable to note that several Local Governments were still persisting in maintaining disqualifications of intending Congress candidates on the score of convictions for political offences. There were instances too of continued active interferences in certain provinces, of the banning of peaceful processions, meetings, hoisting of National flags and of preventing the movements of respected Congress leaders especially in the N. W. F. Province. Reference has already been made to the release of Khan Abdul Gaffar Khan on the condition that he should not enter the Punjab or N. W. F. Province. The order under section 5 of the N. W. F. Province Public Tranquillity Act,—Act III of 1932 which was handed over to Khan Abdul Gaffar Khan at Faizpur by the District Superintendent of Police, East Khandesh is as follows:—

> "Whereas he (Chief Secretary) is satisfied that there are reasonable and sufficient grounds for believing that you have acted in a manner prejudicial to the Public tranquillity and in furtherance of movement prejudicial to the public tranquillity the Governor in Council hereby directs that you shall not enter, remain or reside in the N. W. F. Province; the order to remain in force until the 29th of December, 1937.
>
> Peshawar, December 14, 1936.... "

To deny the right of entry to one's own native province on the eve of general elections, that is within two months of the date on which they should take place, savoured, of a certain spirit of vindictiveness which proves by itself that Government was not willing to play the game. It need hardly be said that the hostile attitude of the Government only served to stimulate the people to ever more vigorous activity in support of the Congress candidate so that the victory of the Congress might be fully assured in spite of

these handicaps. This was not all. The system of voting proposed for the illiterate rural voters of the provincial assemblies was completely destructive of the secrecy and freedom to vote which is the legitimate right of every voter and therefore a demand was made that it should be replaced by the system of coloured boxes with or without symbols as had already been proposed by the All India and Provincial Franchise Committees. As a matter of fact, if we may anticipate events in narration, the system of coloured boxes was adopted in South India and the yellow colour chosen by the Congressmen proved to be as auspicious to the Congress elections as it had always been to the women and children at home in (Hindu) domestic and social life. The programme of the Congress was clear. To organise the elections and secure lasting triumph for the Parliamentary phase of national life was the supreme duty before the Congress. To hold thereafter a convention, not as a substitute for a Constituent Assembly but as a preparation for it as well as for disciplined and effective fight against the federal structure and the rest of the New Act, was the next duty. The Constituent Assembly was meant to frame a constitution for a free India. " It was meant to be a grand ' Panchayat ' of the nation elected on an adult franchise—meeting when the reality of power has already shifted to the people so that they can give effect to their decisions without any interference from the outside authority and thus establish a free democratic State for which the Congress stands ". Above all in this great campaign representing a new phase of national fight, the maintenance of discipline, unity of command and control and above all, willing and cheerful obedience rendered to the chosen leaders of the nation were the supreme desiderata of the moment.

**Disciplinary rules.**—In supersession of the previous resolutions of the Working Committee in regard to disciplinary action the following rules were adopted by the Committee.

1. The Working Committee may take disciplinary action against,

   (*i*) Any Committee of the Congress which deliberately acts or carries on propaganda against the programme and decisions of the Congress or deliberately disregards or disobeys any orders passed by any higher authority or by an umpire, arbitrator or commissioner duly appointed.

   (*ii*) Any member of a Congress Executive or elected Congress Committee who deliberately acts or carries on propaganda against the programme and decisions of Congress or deliberately disregards or disobeys any order passed by any higher authority or by an umpire, arbitrator or commissioner duly appointed.

   (*iii*) Any member of the Congress who deliberately acts contrary to the decisions of the Congress or deliberately disregards or disobeys any orders passed by any authority, umpire, arbitrator or commissioner duly appointed or is guilty of embezzlement of Congress funds or other fraudulent action in connection with funds and accounts, or of having broken a pledge given to the Congress or any subordinate committee or of any fraudulent action in connection with funds and accounts, or of having broken a pledge given to the Congress or any subordinate committee or of any fraudulent action in connection with the enrolment of members of the Congress or election to a Congress Committee or who deliberately acts in a way which in the

opinion of the Working Committee is likely to lower the power and prestige of the Congress so as to render his continuance as a member of the Congress undesirable in the interests of the Congress.

2. (*i*) In the case of a Committee of the Congress, disciplinary action may be the supersession of such a Committee; and such further action against offending individual members as may be necessary.

(*ii*) In the case of a member of any Congress Executive or elected Congress Committee, the disciplinary action may be his removal from such office or membership, and the fixation of a period during which he cannot be validly elected to any office or membership in any committee of the Congress.

(*iii*) In the case of a member of a primary Congress organisation disciplinary action may be a disqualification for a stated period from standing for any election including election to the legislatures and local and municipal bodies or exercising any other right as a member during the unexpired period of his membership and the fixation of a period during which he may not be admitted to the membership of the Congress.

3. No disciplinary action shall be taken without an opportunity being given to the Committee or individual concerned to state its or his case and answer such charges as are made before the Working Committee.

4. The Executive Committees of the Provincial Congress Committees shall also have the power to take disciplinary action against their subordinate committees and members of any Congress Executive Committees and members of primary committees within their province. In all such cases the rules and procedures as are laid down for taking action by the Working Committee shall be applicable. It shall be open to the Committee or member against whom such disciplinary action is taken to appeal against it to the Working Committee provided that pending the appeal he obeys the order appealed against. The Working Committee may however stay the operation of the order.

5. When the Working Committee is not sitting, the President may take cognizance of all urgent matters in regard to disciplinary action and shall act on behalf of the Working Committee. In all such cases the decision of the President must be placed before the next meeting of the Working Committee for confirmation.

## Elections 1937.

Congress Moslems 58 candidates (428 seats) won 26, most of which were in North West Frontier. 424 non-Congress Muslims won. 28 million people or nearly 55% of the total electorate went to the poll. Out of a total of 1585 seats in the Provincial Lower Houses, the Congress won 711 with clear majority in 5 provinces—Madras, U. P., C. P., Bihar and Orissa.

| | | |
|---|---|---|
| Madras | .. .. | 159 Congress out of 215 seats. Justice Party 21 only. |
| U. P. | .. .. | 134 out of 228 |
| C. P. | .. .. | 70 ,, ,, 112 |
| Bihar | .. .. | 95 ,, ,, 152 |
| Orissa | .. .. | 36 ,, ,, 60 |

| | | | |
|---|---|---|---|
| Bombay | nearly ½ | | |
| Assam .. .. | 35 out of | 108 | |
| N.W.F.P. .. .. | 19 ,, | 50 | (Muslims 23 were divided) |
| Bengal .. .. | 60 ,, | 250 | |
| Punjab .. .. | 18 ,, | 175 | |
| Sind .. .. | 8 ,, | 60 | |

## POSITION OF THE CONGRESS PARTY IN THE LEGISLATIVE ASSEMBLIES

The Congress has been able to secure an absolute majority in the Legislative Assemblies of 5 provinces, namely, Madras, the United Provinces, the Central Provinces, Bihar and Orissa. The Congress is the biggest single party in 4 provinces, namely Bombay, Bengal, Assam and North Western Frontier Province. In the Assemblies of Sind and Punjab, the Congress is in a comparatively smaller minority.

The following table shows the number of seats won by the Congress in different Provincial Assemblies and the percentage of votes secured by the Congress.

| Province | Total No. of seats in the Legislative Assembly | Seats won by the Congress | Percentage of total seats won by the Congress | Approximate percentage of the total votes (cast) secured by the Congress |
|---|---|---|---|---|
| Madras .. .. | 215 | 159 | 74 | 65 |
| Bihar .. .. | 152 | 98 | 65 | 75 |
| Bengal .. .. | 250 | 54 | 22 | 25 |
| C. P. .. .. | 112 | 70 | 62·5 | 61 |
| Bombay .. .. | 175 | 86 | 49 | 56 |
| U. P. .. .. .. | 228 | 134 | 59 | 65 |
| Punjab .. .. | 175 | 18 | 10·5 | 13 |
| N. W. F. P. .. .. | 50 | 19 | 38 | .. |
| Sind .. .. .. | 60 | 7 | 11·5 | 12 |
| Assam .. .. | 108 | 33 | 31 | .. |
| Orissa .. .. | 60 | 36 | 60 | .. |

### Muslim Seats

The total number of Muslim seats in the Legislative Assemblies of the 11 provinces is 482. Out of this number the Congress contested only 58 and won 26, that is 45 per cent. of the seats contested.

### Labour Seats

The total number of Labour seats in the 11 provinces is 38. Of these the Congress contested 20 and won 18, that is, 90 per cent. of the seats contested.

### Landholder's Seats

The total number of seats reserved for Landholders in the Assemblies of the 11 provinces is 37. Out of this number the Congress contested 8 and won 4.

### Commerce and Industry

The total number of seats reserved for Commerce and Industries in the Assemblies of the 11 provinces is 56. Of these the Congress contested 8 and won only 3.

It is noteworthy that in all the Provinces Congress eondidates have defeated their rivals by very big majorities.

The results of the Central Assembly Elections held in 1934 may here be given :—

| | |
|---|---|
| Congress won 44 Seats<br>Congress nationalists won 11 Seats | 55 Seats out of a total of 98 Elected Seats |

The composition of the Central Assembly under the Montagu Chelmsford scheme was as follows:

| | | |
|---|---|---|
| Non-Muslims | 52 | |
| Muslims | 30 | |
| Europeans | 9 | Nominated 41 |
| Landlords | 7 | |
| Commerce & Industy | 6 | |
| Sikhs | 2 | |
| | 106 | |

The elections had brought success to the Congress, and with it problems of a diffieult charaeter which it was not wholly in the power of the Congress to solve. The Working Committee took the earliest opportunity at the end of February to eongratulate the nation. It said :—

> " The Working Committee eongratulates the nation on its wonderful response to the eall of the Congress during the reeent eleetions, demonstrating the adherence of the masses to Congress policy, and their firm determination to eombat the new Constitution and end it, and by means of a Constituent Assembly to establish an independent and democratic State and remove the many burdens under which all seetions of our people suffer. The Committee realising the high responsibility with which the nation has charged it, calls upon the Congress organisation and, in particular, the newly elected Congress members of the Legislatures to remember always this trust and responsibility, to uphold Congress ideals and prineiples, to be true to the faith of the people, and to labour unceasingly as soldiers of Swaraj for the freedom of the motherland and the emaneipation of her suffering and exploited millions."

The oath of allegiance was a real bugbear. There were many who eonscientiously objected to the taking of the oath in the form in vogue avowing loyalty to the British sovereign. Doubts having been raised regarding the propriety of taking such an oath of allegiance, the Working Committee at onee proceeded to declare that the taking of that oath, in no way lessened or varied the demand for independence and that the primary allegiance of all Congressmen as well as of all Indians was to the Indian people. Accordingly, before taking the oath of allegiance to the sovereign sometime later than the first of April, the day on which the New Act would eome into force, the Convention of newly elected members of Legislatures and others that met on Mareh 19 and 20 administered to them all, the prior oath of National Independence and allegiance to the Indian people which ran as follows :—

" I, a member of this All-India Convention, pledge myself to the service of India and to work in the legislature and outside for the independence of

India and for ending the exploitation and poverty of her people. I pledge myself to work under the discipline of the Congress for the furtherance of Congress ideals and objectives to the end that India may be free and independent and her millions freed from the heavy burdens that they suffer from."

The immediate duty of the nation was to co-ordinate the extra-parliamentary activities of Congress members of Legislatures with the work inside them and to that end keep themselves in touch with their respective constituencies so as to give them all possible help in their day-to-day struggles. The duty was laid on them of having to share the responsibility of keeping the Congress organisation in their areas in efficient working condition and in touch with the masses they sought to represent. Further, the awakening of the masses during the election campaign and their interest in Congress work must be activized so as to make them function with a constant and continuous interest in national uplift. There remained the Congress policy in the Legislatures which awaited detailed description and it was to be governed by the following policy :—

1. The Congress has entered the legislatures not to co-operate with the new Constitution or the Government but to combat the Act and the policy underlying it, as this Act and policy are intended to tighten the hold of British Imperialism on India and to continue the exploitation of the Indian people. The Congress adheres to its general and basic policy of non-cooperation with the apparatus of British Imperialism except in so far as circumstances may require a variation.

2. The objective of the Congress is *Purna Swaraj* or *complete independence* and to that end all its activities are directed. The Congress stands for a genuine democratic State in India where political power has been transferred to the people as a whole and the Government is under their effective control. Such a State can only be created by the Indian people themselves, and the Congress has therefore insisted on a Constituent Assembly, elected by adult franchise, to determine the Constitution of the country. The Constituent Assembly can only come into existence when the Indian people have developed sufficient power and sanctions to shape their destiny without external interference.

3. The immediate objective of the Congress in the legislatures is to fight the new Constitution, to resist the introduction and working of the Federal part of the Act, and to lay stress on the nation's demand for a Constituent Assembly. Congress members of the legislatures have been directed by the Faizpur Congress to take the earliest opportunity to put forward in the new Assemblies this demand for a Constituent Assembly, and to support it by mass agitation outside.

4. Congress members of the legislatures must remember the Congress policy of not assisting or co-operating with any function or activity, calculated to enhance the power or prestige of British Imperialism in India. Ceremonial, official, or social functions of this kind must therefore be avoided and no Congress member should take part in them. In doubtful cases individual members should not take any action themselves but should refer to the Congress Party in the Assembly and should abide by its decision.

5. No Congress members of the legislatures may accept a title given by the British Government.

6. The Congress Party in each Provincial Assembly must act as a disciplined body, the leaders of which will represent the Party in any conversations with the Government and other groups. Individual members shall have no official contacts with Government other than those resulting

from their duties as members, and such as may be expressly authorised by the Party.

7. Members will be expected to be in their places in the Assemblies during the session and when the party is attending. There should be no absence except for leave taken and cause shown.

8. All Congress members of the legislatures shall be dressed in khadi.

9. Congress parties in the Provincial Assemblies must not enter into any alliances with other groups in the Assembly without the permission of the Working Committee.

10. Any member of the Provincial Legislatures not elected on behalf of the Congress but willing to take the Congress pledge and abide by Congress principles and discipline may be taken into the Congress Party in that legislature, if the Party consider his admission desirable. But no person against whom disciplinary action has been taken by the Congress may be accepted without the permission of the Working Committee.

11. Congress members should press for the carrying out of the Congress programme as enunciated in the Election Manifesto and the Congress agrarian resolution. In particular they should work for :—

(*i*) Substantial reduction in rent and revenue.
(*ii*) Assessment of income-tax, on a progressive scale, on agricultural incomes, subject to a prescribed minimum.
(*iii*) Fixity of tenure.
(*iv*) Relief from the burden of rural debt and arrears of rent and revenue.
(*v*) Repeal of all repressive laws.
(*vi*) Release of political prisoners, internees and detenus.
(*vii*) Restoration of lands and property confiscated or sold by Government during Civil Disobedience Movements.
(*viii*) Eight hours day for industrial workers, without reduction of pay. Living wage.
(*ix*) Prohibition of intoxicating liquor and drugs.
(*x*) Unemployment relief.
(*xi*) Reduction of high salaries, allowances, and cost of administration of Government.

12. Under the existing Act, with all its safeguards and special powers in the hands of the Viceroy or the Governor, and its protection of the Services, deadlocks are inevitable. They should not be avoided when they occur while pursuing Congress policy.

13. Congress members in the Provincial Assemblies should further give expression to certain important demands of all-India application which may not be given effect to in the Provincial Assemblies, such as, substantial reduction of the military expenditure as well as of the higher civil services ; complete national control over trade and tariffs and currency ; repeal of all-India repressive legislation ; freedom of speech, press and association ; opposition to war preparations, credits and loans.

14. Congress members in the Assemblies must always endeavour to mobilise public opinion in their constituencies for the particular demand they are putting forward in the legislatures. Work in the legislatures should thus be co-ordinated with activity outside and mass movements built up in support of those demands and of Congress Policy in general."

The programme of animated work inside and outside the Legislatures, this phase of national fight along the parliamentary front in all its fierceness

was to be inaugurated with a peaceful *hartal* on 1st. April 1937 as the anti-constitution day so as to demonstrate the will of the Indian people to resist the imposition of the new constitution. It would be appropriate at this juncture when the National Convention was about to meet and a final decision taken on the question of formation of ministries to study why there was a volume of feeling against the acceptance of office on the merits of the question.

The Convention was shortly to meet and which place could be a better venue for the gathering of the chosen representatives of the Nation than the Metropolis of India,—a place charged with the memories of seven Empires ruined and bearing in it the promise of political changes no less revolutionary than those which form forgotten chapters of history. A preliminary exhortation was addressed to the nation by Sardar Vallabhbhai J. Patel on the eve of the Convention in the following words :—

" I was entrusted by the Congress with the work of organising the elections and seeing that it achieved success at the polls. Thanks to the wonderful co-operation of Pandit Jawaharlal Nehru and his inspiring lead, and the untiring efforts and willing co-operation of my colleagues, Babu Rajendra Prasad, Pandit Govind Ballabh Pant, and Mr. Bhulabhai Desai and the tremendous enthusiasm shown by the entire country, we have more than achieved our object. In the South our victory has been phenomenal. Even Christians won on the Congress ticket. This is largely due to the re-entry of that great and astute politician, Mr. C. Rajagopalachari, into the Congress.

" The first stage of our work is over and we are now on the threshold of the next stage, which will require all our energy and time, at least in the immediate future. If we show the same determination and unity as we exhibited in a remarkable degree in winning the eletions in our legislative programme, whatever that be, I have no doubt that we will once again confound our enemies and hasten the day of Swaraj. I dare say that Congressmen who will be present at Delhi will strain every nerve to keep up a solid, united front, however much we may disagree on the methods of our approach to our common goal and loyally abide by the decision of the Congress Executive, whatever that decision might be.

" The Congress objective of ending the Government of India Act would not be achieved unless the hands of the Congress legislators were strengthened by those outside in the country by carrying on extra-parliamentary activities. India has demonstrated in no uncertain terms her confidence in the Congress. With winning the elections, the Congress has just commenced its fight.

" Now that the Congress has come out with flying colours in the elections, the *Times* of London and other papers and politicians, were volunteering unsolicited advice to the Congress as to how it should conduct itself, if it was to retain the confidence of the electorate. The programme contained in the Congress election manifesto was interpreted in a quite different way by these " friends" of India. India knew what the Congress stood for and what its programme was. The people had not been given any false hopes. The programme contained in the election manifesto was what Indians should get and would get under a Swaraj Government."

In the midst of universal jubilation, with hopes not unmixed with a certain feeling of trepidation, the Convention met in Delhi and was preceded by a sitting of the All India Congress Committee on the 17th March. and on the evening of the 17th of March, Shri Subash Chandra Bose was released unconditionally in shattered health after a continued detention and

exile of more than five years. The President conveyed to him the A.I.C.C.'s affectionate welcome on his release and their good wishes for his early recovery. On the question of office acceptance, the A.I.C.C. authorised and permitted the acceptance of office in provinces where the Congress commanded a majority in the Legislature, provided the Congress party in the Legislature was satisfied and was able to state publicly that the Governor would not use his special powers of interference or set aside the advice of ministers in regard to constitutional activities."

The Convention met later and presented a solemn spectacle when the members in one voice took their oath in Hindustani,—the National language of India which rendered into English reads as follows :—

" I, a member of this All India Convention pledge myself to the service of India and to work in the legislatures and outside for the independence of India and the ending of the exploitation and poverty of her people. I pledge myself to work under the discipline of the Congress for the furtherance of Congress ideals and objectives to the end that India may be free and independent and her millions freed from the heavy burdens they suffer from."

Then follows the National Demand :—

" This Convention reiterates the opinion of the people of India that the Government of India Act of 1935 has been designed to perpetuate the subjection and exploitation of the Indian people and to strengthen the hold of British Imperialism on India.

" The Convention declares that the Indian people do not recognise the right of any external Power or authority to dictate the political and economic structure of India. The Indian people will only accept a constitutional structure framed by them and based on the independence of India as a nation and which allows them full scope for development according to their needs and desires.

" The Convention stands for a genuine democratic State in India where political power has been transferred to the people as a whole. Such a state can only be created by the Indian people themselves through the medium of a Constituent Assembly elected on the basis of adult suffrage, and having the power to determine finally the constitution of the country.

" The electorate has, in overwhelming measure, set its seal on the Congress objective of independence and the rejection of the New Constitution. The Constitution therefore stands condemned and utterly rejected by the people, through the self-same democratic process which had been invoked by the British Government and the people have further declared that they desire to frame their own constitution based on national independence through the medium of a Constituent Assembly.

" This Convention therefore calls upon all Congress Parliamentary parties to take the earliest opportunity to put forward, in the name of the nation, a demand in their respective legislatures that the Government of India Act of 1935 be withdrawn so that the people of India may frame their own constitution."

A serious complaint was made in the Central Assembly about official interference in elections and Sir Henry Craik, Home Member replying to the debate, said "the debate ranged over subjects many of which were not even remotely connected with the authority and powers of the Governor-General-in-Council and of which the speaker had very little knowledge. It was true the Governor-General would exercise for the next three weeks powers

of superintendence, direction and control over some of the subjects but that would cease from April 1."

Referring to the allegation of interference in elections, Sir Henry Craik said "a surprising thing was that the Government servants should have been accused of interference while from almost every province reports had been received that the majority of the Government servants who possessed vote voted for the Congress. If the Government servants voted for the Congress it was not likely they would have worked against the Congress." Sir Henry Craik remarked, in passing, that charges of unfair conduct and undue influence had not been made all on one side. They had been made against the Congress Party also.

The first of April, 1937 came and went in due course marked by a nation-wide, peaceful *hartal* on the one hand and inaugurating a short era of three months of ceaseless agitation and tearing and raging propaganda all over the country. In six out of the eleven provinces, the party that came in a majority would not touch office with a pair of tongs nor would it keep its hands wholly off the business. If the Congress annihilated itself as a parliamentary limb of the nation, the Government knew what to do. If the Congress on the contrary assumed office, Government would soon adjust themselves to their new environment for the bureaucracy is an expert in the art of adjusting itself to changing conditions and biding its time for an opportunity to overthrow them. The Congress, however, would not let Government play their game according to their wonted lines. For the first time, in the history of India and perhaps of the world, here is a political organisation demanding assurance of the Governors that they would not use their special powers of interference or set aside the advice of ministers in regard to constitutional activities. Yet, be it noted, these powers were statutory in their origin and are marked *special* after grave and solid deliberation. How were, the Governors to wash their hands once for all of those very safeguards and reservations which were vested in them by law and which the vested interests of the ruling nation demanded and decreed as the real correctives to the misuse of democracy by a subject country? A battle-royal took place over the legality and the constitutional propriety of demanding such assurances. Legal or illegal, constitutional or unconstitutional was not the issue before the nation. Here was a constitution to which India was no party, which did not carry with it any traces of *self*-determination or *joint* deliberation but was the result of *other* determination or of external imposition. If the Indians should work such a constitution it could be only on their own terms. Else the Law and Constitution would take their own course according to the chapter and section of the New Act. If deadlocks resulted that was not the fault of India. The policy adopted by the British Government on the one hand in defiance of the declared will of the people and the decision of the All India Congress Committee on the other to combat the New Constitution and seek to end it, were facts openly laid before the constituencies on the eve of elections and the apposition of these two forces must inevitably lead to deadlocks and bring out "still further the inherent antagonism between British Imperialism and Indian Nationalism and expose the autocratic and undemocratic nature of the Indian Constitution. On the merits of this Constitution, there were very good reasons why the Congress could not bring itself readily to work the constitution for what it was worth. The bearings of the problem from this point of view will be discussed here presently. But reverting to the question of legal and constitutional aspects,

it must be said that when Gandhi took up a position affirming the correctness of the Congress attitude, he was thinking and speaking and acting not like the *de facto* leader of a political party but like a jurist and constitutional lawyer who had had ample experience in the domain of politics in the far flung realms of the empire. Legal opinion in India and England began to range itself on opposite sides. Almost the first to combat the attitude of the Congress was Sir Tej Bahadur Sapru who frankly declared the demand inadmissible. It has been the misfortune of India that the national demand whenever put forth by the progressive forces of the day happened to be resisted by the leaders of the party that had become virtually defunct. It may be recalled how on the 23rd of December, 1929, when Gandhi and Nehru were invited for a talk by Lord Irwin, there were Dr. Sapru and Mr. Jinnah ranged in the opposite side and combating not the British resistance to popular demand but the very demands themselves. It is true that Dr. Sapru employed his good offices to bring about good understanding between the Government and the people as in 1931 but on the critical occasion that arose in 1937, he ranged himself definitely against the Congress. In opposition to the view of such a legal luminary arose two bright stars on the western firmament in the persons of Sjt. Taraporewala and Dr. Bahadurji of Bombay, both ex-Advocates-General, who gave it definitely as their considered opinion that the demands for assurances by the Congress were in no way repugnant to law or constitution. At this time, when Indian opinion was arrayed in opposite camps that great constitutional lawyer of England, Berridaile Keith strengthened the opinion of the Congress and supported the legality of the demands. Side by side with this academic discussion of the issues arising from the Congress attitude, leading politicians of different provinces were carrying on for full three months,—April, May and June—widespread propaganda on the several issues implicit in the burning question of the day.

The discussion of the question was not merely confined to India. The *Dailies* of England were interested in the views of Indian leaders and in reply to Jawaharlal Nehru's statement to *News Chronicle*, London, the Marquis of Lothian sent the following reply :

> "Mr. Jawaharlal Nehru's cable reflects the sincerity and revolutionary ardour one would expect from the author of a remarkable autobiography. But his picture of a jack-boot Britain ruthlessly stifling Indian freedom does not really hold water. The new Indian Constitution, the outcome of endless discussions with Indian leaders, including Mr. Gandhi himself, but enacted on the sole responsibility of the British Parliament, proposes one road of advance to Indian self-government. Mr. Nehru and his friends believe in another. There is the real difference. The Constitution is based on experience that the biggest impediments to immediate self-government are in India itself."

Apart from the question of the academic and theoretical issues involved in this affair, it would be just as well to study in detail the significance of the demands made by the Congress that the Governors shall not use their special powers of interference or set aside the advice of ministers in regard to the constitutional activities. These special powers relate to cerain groups, interests and areas. The groups are the minorities, the interests are the vested interests of the British and the areas are the excluded and the semi-excluded areas in British India, and the Indian States. By this demand it is meant that the Governors should only act like the Governors in the

provinces of Australia (Section 51). They should not have the power to dismiss ministers at their pleasure, that the salaries should be fixed as desired by the leader of the house (Section 50), that they should not preside over the Council of ministers, that they should not interfere or make ordinances (Sections 55-88), or acts on grounds of menace to peace and tranquillity, that they had nothing to do with the appointment of Advocate-General (Section 56) or with the making of the police rules :

( Section 57) with violence crimes
( ,, 59) with the framing of rules of business allocating the duties of ministers
( ,, 62) dissolving the Assembly
( ,, 74) Introduction of Bills
( ,, 75) Assenting to Bills
( ,, 78) Inclusion of extra amounts of expenditure in the budget
( ,, 82) Introducing a bill or an amendment to a bill increasing or imposing any tax or borrowing money except on the recommendation of ministers
( ,, 84) Making rules for legislative procedure with the consultation of the Speaker
( ,, 86) Interference with any bill as trenching upon Governor's special charge
( ,, 88) Governor's Ordinances
( ,, 90) Governor's Acts.
( ,, 92) Excluded Areas
( ,, 258) The privileges of Services.

As was to be expected during the interval that elapsed between the close of the elections and the Viceroy's speech, leaders of Congress in different provinces were invited by their respective Governors to help them in formation of ministries. It was the contention of the British Ministers that it was not competent for the Governors without amendment of the Act to give the assurances required by the Congress for enabling the Congress leaders to form ministries. The Working Committee on the contrary was advised by eminent jurists that such assurances could be given strictly within the constitution. The Congress was further offended by the pronouncement of Lord Zetland and R. A. Butler which were not only inadequate to meet the requirements of the case but were misleading and which misinterpreted the Congress attitude, and what was more, the manner and the setting in which such pronouncements were made were discourteous to the Congress. The Working Committee restated its position by pointing out that the "assurances did not contemplate to abrogate the right of the Governor to dismiss the ministry or to dissolve a provincial assembly when serious differences of opinion arose between the Governor and his ministers and that the Congress had grave objections to the ministers having to submit to the interference by the Governors with the alternative of themselves having to resign their offices, instead of a Governor taking the responsibility of dismissing them. But in the meantime, ministries were being formed in Congress majority Provinces which were wholly unconstitutional, repugnant to the conception of autonomy and in total defiance of overwhelming public opinion in those provinces. Public meetings were held all over the country denouncing the action of the so-called ministers and challenging them to face the legislatures and justify their conduct. In the midst of these conflicts, the duty of Congressmen was clear. In particular, the members

of the Legislatures who had to keep themselves in touch with the electorates in their constituencies and carry the message of the Congress with its constructive programme including the use of Khaddar to the exclusion of mill cloths, the local production of Khaddar in villages by hand-spinning and hand-weaving, creating public opinion in favour of total prohibition, promotion of communal unity by collective and individual effort and the eradication of untouchability in every form. And so far as the interim ministers in Congress majority provinces and ministers in other provinces were concerned, Congress members were forbidden to have any dealings or interviews with them except with the express permission of the leader of the Congress party.

While legal and political opinions of a conflicting character were being shot out on the cables and the wires day to day, neither the Secretary of State nor the Government of India appeared to move in the matter for well-nigh three months. At last in the third week of June, the Viceroy came out with a statement on the *impasse*, which he had previously commended for consideration of the public in a short message broadcast from Simla on the night of 21st June. The substance of the argument is incorporated here for ready reference. The constitutional changes introduced here are of a profound character and they cannot come about without difficulty. It is easy to overemphasize these difficulties and the Viceroy's statement was meant as his contribution towards their final dissipation. His approach did not oversimplify or shorten too much the matters under discussion and though a little formal, was not meant to be cold or unsympathetic. The subject requires that in addition to the terms of law or constitutional theory, a certain measure of sentiment or emotion, must be regarded as having a place in moving our minds and shaping our opinion. Here is a party which commands the majority of votes in the legislatures in certain provinces and yet refuses to accept office and there are the Governors who exercise under the Act certain powers in their judgment or discretion or in their individual judgment subject to the general control of the Governor-General and the latter himself subject to the general control of the Secretary of State. The Governor-General, however, despite the fact that the matters for discussion were primarily the concern between the leaders of the party and the Governors, took up the threads of discussion in the light of statements made in England and in India and declared the attitude of the authorities on the constitutional issues brought to the fore. The discussions, it was admitted, showed that genuine misapprehensions and misunderstandings existed three months ago in certain quarters as to the relation of the Governors to their ministers and as to the extent to which or the manner in which the Governors were likely to interfere with the day by day administration of a province by the ministry in power." It is now possible to dissipate these misunderstandings and make clear in the most unmistakable manner Governments' (both here and England) conception of the nature of the duties which fall upon the Governors of Provinces, the spirit in which those Governors are expected by Parliament and themselves propose to discharge those duties, of the relation with which the Governors contemplate to work with their ministers and of the extent to which the Governors stand entirely outside the party and to which they are at the disposal of a ministry. The Congress felt it could not wisely accept office under the provisions of the Act unless it received certain assurances from the Governors. The Viceroy seeks to prove from the experience of the previous three months within the provinces where the ministries are formed that there was ample

co-operation forthcoming from the Services and that the help, sympathy, co-operation and experience promised by the Governors were equally forthcoming. In his view while readily accepting the sincerity of the apprehensions of the Congress he saw no foundation of fact for them– that the Governors would seek occasions to interfere with the policies of the ministers or 'the gratuitous and uncalled for exercise of the special responsibilities imposed on them by the Act to impede or challenge the ministers in the day to day administration of the province. The object of the Act is to enable the ministers to feel that, they could, with confidence, frame and implement with the co-operation of Governors and the Services a programme of legislation on broad lines for the benefit of the province. The Act and the Instrument of Accession make it clear beyond any possibility of any question that under the provincial autonomy all matters falling within the ministerial field including the position of minorities, the position of Services etc., the Governor will ordinarily be guided in the exercise of his powers by the advice of his ministers who would be responsible not to Parliament but to the legislature.

The special responsibilities of which the most important is the prevention of any grave menace to the peace and tranquillity of the Province or part of it, the safeguarding of the interests of the minorities and the rights and interests of the Services were the response of Parliament to specific demands in that behalf. Though they are restricted in scope to the narrowest limits possible, even so, a Governor will at all times be concerned to carry his ministers with him. In other respects, it is mandatory on the Governor to be guided by their advice no matter what his own opinion may be.

What should happen when a Governor and his ministers do not see eye to eye on a matter where he is required to exercise his individual judgment? The ministers have the right and duty of advising the Governors over the whole range of the executive government within the ministerial field including the area of special responsibilities. For such advice, ministers are answerable to the legislature and such advice is binding upon the Governor except when he is not specially required to exercise his individual judgment. The Governor himself is within the limited area of his special responsibilities directly responsible to the Parliament whether he accepts or does not accept the advice of the ministers. When a Governor rejects such advice, the responsibility for the decision is his, ministers do not bear any and are entitled publicly to state that they bear none in respect of a particular decision or even that they have advised the Governor contrarywise. The Governor in any case must put the ministry or the minister fully in possession of his mind and explain to him the reasons which in his judgment make it essential for him to follow a particular course or to pass a particular order. In such cases should the Government resign or shall it carry on its work after indicating publicly or privately its attitude in the matter which has formed the subject of the order or shall the Governor be required to dismiss it? His special responsibilities include matters of varying magnitude of intrinsic importance. For this reason, the Viceroy welcomed "the helpful suggestion recently made by Mr. Gandhi that it is only when the issue between the Governor and his ministers constitutes a serious disagreement that any question of the severing of their partnership need arise. In such cases alone, the ministry must either resign or must be dismissed. Resignation is more consistent with self-respect and is an act taken spontaneously by a ministry. Dismissal is more unusual and might seem to carry with it some suggestion of inferiority. Both are possible. But the Act does not contemplate that the Governor's action of demanding

the dismissal should force the ministries' action of resignation. Ordinarily, however, such differences as may arise between the Governors and the ministers will admit the goodwill on both sides of being resolved by agreement. The Governors are anxious not to provoke conflicts with their ministers and to leave nothing undone to avoid or to resolve such conflicts. In effect then, the executive authority runs in the name of a Governor. But in the ministerial field subject to qualifications, the Governor is bound to exercise his authority on the exercise of his ministers. There are certain strictly limited and clearly defined areas in which, while here as elsewhere, primary responsibility rests with ministers, the Governor remains ultimately responsible to the Parliament. Over the whole of the remainder of the field, ministers are solely responsible and they are answerable only to the provincial legislature. In respect of special responsibilities, the Governor can and sometimes must act otherwise than on the advice of his ministers and the decision in such cases will rest with him and he will be responsible to the Parliament for taking it. This does not mean, however, that the Governor is free or is entitled or would have the power to interfere with the day to day administration of a province outside the limited range of responsibilities specially confined to him. Not rigid conventions but a policy of ' give and take ' has ensured constitutional advance in the past. The provision in the Act for extreme contingencies does not involve any assumption of a wish to see those contingencies turn into realities. In these words did the Viceroy express his conviction that " the shortest road to that fuller political life which many of you so greatly desire is to accept this constitution and to work it for all it is worth and that in the full working and developing this constitution lies the best hope for the general and lasting amelioration in the conditions of the rural population and of the humbler sections of society which all of us so ardently desire."

## CHAPTER III

### Acceptance of Office—July 1937

The position of the Congress in the month of July 1937, immediately after the Viceroy's speech on the 20th of June preceding may profitably be summarised at this stage in a few paragraphs mostly in the language adopted by the Working Committee itself in its resolutions passed at the time. The All India Congress Committee at its meeting held prior to the Convention, that is, on March 18th at Delhi, had formulated the basic Congress Policy in regard to the constitution and laid down the programme to be followed by the Congress members of legislatures both inside and outside these bodies. On the question of office acceptance, it was stated that permission should be given where the Congress commanded a majority in the legislature and the leader of the Congress party was satisfied and could publicly state that the Governor would not use his special powers of interference or set aside the advice of ministers in regard to their constitutional activities. We have already seen how the necessary assurances had been demanded by Congress leaders in different provinces and how when they were not forthcoming, they expressed their inability to undertake the formation of ministries. The Secretary of State, the Under Secretary and the Viceroy having since made certain declarations on this issue on behalf of the British Government, the Working Committee read in them doubtless a desire to make an approach to the Congress demand but was of opinion that they fell short of the assurances demanded. Nor could the Working Committee subscribe to the doctrine of partnership propounded in some of those declarations when really the British Government and the people of India stood in the position of the exploiter and the exploited. At the same time, the Working Committee felt that the circumstances and events of the times created a situation which warranted the belief that it would not be easy for the Governors to use their special powers. Accordingly the Working Committee which met in the first week of July at Wardha resolved as follows :—

"The Committee has therefore come to the conclusion and resolves that Congressmen be permitted to accept office where they may be invited thereto. But it desires to make it clear that office is to be accepted and utilised for the purpose of working, in accordance with the lines laid down in the Congress election manifesto and to further in every possible way, the Congress policy of *combating* the new Act on the one hand and of prosecuting the constructive programme on the other. (*Italics ours*).

"The Working Committee is confident that it has the support and backing of the A.I.C.C. in this decision and that this resolution is in furtherance of the general policy laid down by the Congress and the A.I.C.C. The Committee would have welcomed the opportunity of taking the direction of the A.I.C.C. in this matter but it is of opinion that delay in taking a decision at this stage would be injurious to the country's interests and would create confusion in the public mind at a time when prompt and decisive action is necessary."

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ON THE QUESTION OF SALARIES OF MINISTERS, SPEAKERS AND ADVOCATES-GENERAL :

The following resolution was passed by the Working Committee at its meeting at Delhi, March 15-22 :—

Apart from free provision to be made by the State for residence and conveyance, the salaries of Ministers, Speakers and Advocates-General shall not exceed rupees five hundred per month, as laid down in the Karachi resolution of Fundamental Rights and Economic Programme." (1931).

Two circumstances happened which require a somewhat closer examination at this stage. Office acceptance was resolved upon and this, by the Working Committee. We may now recall, for a better understanding of the evolution of this result, the steps and stages that had led to it. At Lucknow (April, 1936), the concerned resolution (No. 9) said, " in view of the uncertainties of the situation as it may develop, the Congress considers it undesirable to commit itself to any decision at this stage."

A manifesto was promised at the time and paragraph three of the Manifesto says on the subject " the A.I.C.C. is of opinion that it will be desirable to take this decision after the elections. Whatever the decision be, the Congress stands for the *rejection* of the New Act and for non-co-operation in its working." (*Italics ours*).

Then there came the selection of candidates on which the presidential address of Faizpur contains an interesting statement which reads as follows.

" There is a certain tendency to compromise over these elections, to seek a majority at any cost. This is a dangerous drift and must be stopped."

These constituted the background of the situation on which till almost the last point, there was divided opinion, although it must be presumed that the dissentients in respect of acceptance of office, might have been in a minority but a poll was never taken on the subject. The A.I.C.C. met later to ratify the decision of the Working Committee and that,—so late as 29th, 30th, 31st of October 1937, when too the A.I.C.C. passed a resolution which was formal and brief to the effect " that the action of the Working Committee in taking the said decision be ratified."

* * *

The manner in which the ministries were formed and administration was conducted gave rise to certain misunderstandings which must immediately be cleared. Strong words had no doubt been used in Congressmen's speeches such as the *wrecking* of the reforms, but the Congress itself while it spoke of rejecting the New Act never went beyond the concept of *combating* the Act. It did use the words that " the Congress stands for the rejection of the New Act and for non-co-operation in its working." Much, therefore, of the criticism levelled at the ministries was obvioulsy due to the failure of the critics to follow the exact wording of the resolutions and the willingness of the critics to be carried away by random words employed by speakers and the ready impressions formed in their own minds on hearing them. What followed the assurances is officially stated as follows :—

" The decision of the Working Committee at Wardha to shoulder the responsibility of office was followed by the resignations of the interim ministries in the six provinces where the Congress commands a majority in the legislatures,—namely, Bombay, Madras, United Provinces, Central Provinces, Bihar and Orissa. The leaders of the Congress party were consequently invited by the respective Governors to assist them in the formation of new Cabinets. The interviews having been regarded as satisfactory the leaders

consented to form Cabinets and submitted to the Governors the names of their colleagues."

In the result, Congress Ministries were formed in due course as follows :—

| Province | Ministers | Parliamentary Secretaries |
|---|---|---|
| Bombay .. .. | 7 | 6 |
| Madras .. .. | 10 | 10 |
| U.P. .. .. .. | 6 | 13 |
| Bihar.. .. .. | 4 | 8 |
| C.P. .. .. .. | 7 | .. |
| Orissa .. .. | 3 | 4 |
| N. W. F. Province .. | 4 | .. |

The salaries of Ministers, Speakers and Advocates-General, as already noted were fixed at Rs. 500 per mensem by the Working Committee,—this, apart from provision to be made by the State for free residence and conveyance. In adopting this exceedingly modest and wholly unexpected scale,* the Congress was also following the Resolution passed at Karachi (April, 1931) in this behalf, on Fundamental Rights and Duties and the Economic Programme. It will be both instructive and interesting to compare these salaries with the scale adopted in the rest of the world. The Congress scale will win the prize for being the lowest. The appointment of parliamentary secretaries in four out of six provinces gave rise to certain unforeseen difficulties. What is their constitutional position? Could they function for the Ministers while the latter were present in the Legislatures? What should be their relations to the officials in the districts in their tours, to the Secretariat at the Headquarters? Their establishment, their scale of travelling allowances, the staff might accompany them in tours, their range of authority—all these became knotty problems. The third class travel, the small *batha* of Re. 1 a day, the absence of typists or clerks to any but the Chief Parliamentary Secretary, the ruling that they can function only in the absence of ministers from the Legislatures,—all these gave rise to certain grumblings which only could possibly be assuaged by the establishment of our own conventions in our own country in due course. Possibly they might develop into Junior Ministers functioning on terms of equality with the roll of senior ministers though the latter alone would form the Cabinet. In England Parliamentary Secretaries discharge the functions delegated to them. In India different provinces have followed different methods and there is no doubt that ere long if Congress Ministries had continued, to hold office they would have evolved the right solutions for these and other complex problems.

Office acceptance was a new ferment that began to leaven the dough of national life. Congressmen had had doubtless administrative experience of various types and varying measures of importance. But the rulership of provinces which were as big and populous as Britain, which were nearly three times the size of Italy or pre-war Turkey, six times the size of Scotland and fifteen times the size of Switzerland was new to them. They were quite conversant with the details of the birth of democracy in England, the Magna Carta and the struggle of the Barons on the plains of Runnymeade,

* The Parliamentary Secretaries were voted a consolidated sum of Rs. 400 per mensem including car allowances and house rent. The Ministers were allowed Rs. 100 p. m. towords house rent and Rs. 150 towards car allowance, the cars being provided by the state.

the growth of franchise, the Revolution of 1689 and Civil Wars, the various charters and the Reform Acts, the development of democratic traditions and the evolution of conventions which the British are proud of, but here the Ministers had to deal with a written constitution, rules and regulations, standing orders and Government orders, Codes and Manuals, and the best constitutional knowledge was not a bulwark against the onslaughts of the departmental ditties of permanent officers. The Ministers themselves were difficult to choose. In the first place there was the Instrument of Instructions to the Governors which broadly described the manner of their selection. With the "assurances" given by the Governors, however, the letter of those instructions ceased to be binding, while the spirit was in no wise objectionable. A democratic leader of Responsible Government and a Cabinet with joint responsibility could not but reckon with the varied interests represented in the Legislature that chose to sail under his banner. Nor did the Congress desire to rule as a mere party with the traditions of party Government as in America—of log rolling, jerry-mandering and Tammany Hall tactics. Yet the ministers lay under a disability. Though some of them had had Legislative and a few, Governmental experience, it must be said that their touch with the intricacies of administration was neither intimate nor many sided. In addition, conflicting interests had to be reconciled and conflicting claims adjusted. Nor did the Ministers go to the Secretariat as if they were going to dwell in their *own* homes after a long exile. They were rather like the daughter-in-law of the Hindu home that goes to the father-in-law's house where she has to serve a period of apprenticeship in which she has to deal not merely with her spouse, but his parents and his sisters and brothers as well. The Ministers had to negotiate the Governor, but this part of the task became easy on account of the three months' struggle for "assurances". Not so, however, with the ten permanent secretaries (in Madras)—mostly members of the I. C. S., and with the fourteen departmental heads who were likewise and mostly members of the Permanent services—Indian (I. C. S.). In effect then, though the Ministerial train was formed anew, it was only the engines that were newly manufactured. The bogeys were all old and even rickety and ramshackle, while the brakes were more actively at work than the engines desired. In addition the coal was old, the stokers and oilmen were apathetic and altogether the new train began to creak ever so much,—on account of grit in the machinery. But that was not all. The engines themselves could not straightway develop full speed (mark the warning given to buyers of new motors) the passengers in the bogeys began to be clamorous for they expected to travel in air conditioned coaches, with high speed, smooth buffers and elastic springs, but found the engines hunting like the XB engines at *Bihta*, the springs bumping, the line itself uneven, and the staff over-meticulous in their rules almost to the point of sabotaging progress. Not all the encomiums showered upon the Secretariat as helpful co-operators were approved of by the public. And when a minister (in Madras) called the Governor his friend, philosopher and guide, the public resentment rose to the pitch of real indignation.

While this was so, the expectations of the populace were pitched in a high key. When the Zemindars (big landlords) were almost all defeated in the elections, a big revolution which had already been in full swing, received an added impetus in the Zemindaris for the revision of old tenures and taxes, and the termination of ancient customs and practices. Agrarian relief, scaling down of debts, immediate and total prohibition, removal of intermediaries in cultivation, restriction of the extent of lands possessed by

absentee landlords, abolition of illegal exactions, redress of forest grievances, development of forest wealth, home crafts and large-scale industries, a more equitable adjustment of financial burdens, the reorganization of education so as to link it to the life and needs of the nation as against the needs of an alien Government, the recovery of national culture, the rehabilitation of Village Panchayats and the administration of justice so as to make it sure and cheap, quick and equitable, the restoration of Truth and of the integrity of the spoken word back to its pristine position, not only in Courts but in all human intercourse, the reorientation of civic rights and duties on the supreme strategy of non-violence, the uplift of social, economic and political position of the Harijans and other backward communities, the recognition of Labour as the real capital in the country, the replacement of the ideal of money by the ideal of service, the large-scale campaign of Rural Reconstruction,—in one word, the supplanting of all competition by Co-operation—these were the batch of Reforms which the popular ministers had to address themselves to. For each one of these items, the ground had to be surveyed, the planning had to be undertaken, the nation's prejudices had to be overcome, popular concepts of social and economic values had to be chastened and uplifted. Not a light task indeed ! But that was not all, for ministers in certain provinces had to reckon with local prejudices as well. In South India, an agitation was organized against the compulsory study of Hindi. In the same province, agrarian revolts under the guidance of ' socialists ' with distinct communist leanings, were deliberately attempted by way of " skirmishes " as they were described which should pave the way for a huge revolution of peasants and the proletariat. Almost in all provinces, there were political prisoners, some guilty of violent crimes awaiting their redemption at the hands of the Congress. But the matter was greatly complicated by the largest number of these being in Bengal and the Punjab which were not Congress-manned provinces. Not a few were the doubts raised by critics—mostly unfriendly to the Congress,—on the manner and motive which should lie behind the working of the Act.

Gandhi says that in accepting offices, it is not intended by the Congress to work the Government of India Act. Is this consistent with his earlier statements was the popular question. Well, Gandhi is essentially human and essentially a politician, but a politician of a different order from those one meets with in daily life. He is constantly idealising the actualities, he is sublimating his own thoughts, plans and programmes. What he already said was that it was not intended to create deadlocks. The idea of combating and ending the Act adopted by the Congress resolutions engendered a thought in the minds of the people—the best among them not perhaps excluded—that it was intended to stage a series of wrangles, wordy warfares and wrestling matches on the floor of the Legislature. In this view only tussles and deadlocks are apt to be visualised. No, that was not intended, said Gandhi. If that was not so, people naturally took it for granted that the Act would be worked—worked as much as the Moderates might have worked it, very much as the Interim Ministers were working it, so as to subserve the purposes of England in India. No, that was not how the Congress would work the Act, said Gandhi. The idea rather was to take this opportunity to turn the attention of India from West to East, from matter to spirit, from the city to the village, from the mill to the cottage, from machinery to crafts, from money to service, from pomp and circumstance to plainness and simplicity, from the steering wheel to the spinning wheel.

To combat the Act and end it might therefore, be given a wider and deeper meaning than is merely compatible with or applicable to a physical plane. The whole "national being" was to be so regenerated so that it would not consent to make India the outhouse of England but a national home for the Indians,—self-contained, simple in style, with a national outlook, and albeit, a cosmo-national spirit. All other things that Gandhi has described, namely, plain dress, simple living, high thinking, third-class travel, self-abnegation, and service to the poor, follow the new ideal and are calculated to change the standpoint of the whole nation. The fact is that the British have created a cinema in India which meets your eye side by side with a cemetery. High salaries running up to five figures a month, and low wages hardly able to keep the wolf from the door, sky-scrapers on one side with hovels and huts or even slums and cesspits on the other, Bond Street and Oxford Street transplanted to India at one end and deserted homes and depopulated villages at the other—these are the cinema and cemetery referred to. You see a cinema but do not live in it. You see the cinema stars, but cannot expect to reproduce them in your wives and mothers. It was, therefore, necessary for the new Ministers to cast off the old values and adopt new ones. When this was done, schools would not be the costly experiments that must perforce depend upon drink revenue. It was freely stated that we would not mind closing down colleges if they should flourish only on intoxicants? You cannot make your neighbour inebriate in order that you may make your own children enlightened. When, therefore, schools became self-supporting and jails became real reformatories and vocational seminaries, they would support Government instead of Government supporting them. Imagine six million school children and college youths spinning yarn for two hours a day. That would produce mountains of yarn and yield oceans of cloth which would make schools a revenue-yielding proposition. Should we not have done it and saved up all our expenditure for which we had to promote drink revenue, and, therefore, drink itself inevitably!

If only our Ministers had led a life not unlike that of Aboo Baqr and Omar or even of Harsha Vardhana, why go back a thousand years and more, —if only they had led the life of the Siddiq and the Farooq, the Vasistha and the Parasara, of to-day—Gandhi himself—, India would become herself once again and the Acts of the British Government in or for India would soon have to be remodelled after her heart without shedding a drop of blood or invoking a charge of the baton.

What do you say to the view that Gandhi urges "the lawful working of the Act? asked a few critics. And the answer to it must be given. What Gandhi said was this:

> The hope may be frustrated if the representatives of the 30 million voters have a faith of their own and are intelligent even to use the powers (including the holding of offices) placed in their hands for the purpose of thwarting the assumed intention of the framers of the Act. And this can be easily done by lawfully using the Act in a manner not expected by them and by refraining from using it in the way intended by them.

The word "lawful" then was merely intended to bring out the idea that it is not objectionable to use the Act in accordance with the clauses that followed and it did not mean that Gandhi advised a regular working of the Act.

When all is said and done, it must be admitted that a real complication ensued from the reservation in the Act relating to the Services under Section 258 which has been already ascribed. But the matter has been clarified somewhat in the following weighty pronouncement of Sir John Anderson, the then Governor of Bengal, at a Police parade on the relation which should subsist between the Provincial Governor and the Servants of the Crown under the new Dispensation on the eve of the formation of Ministries (July 13, 1937):

> "In India as in England the ties that unite the Crown and the Services of the Crown are as real as they are intangible. What I wish to impress on you is that the new order of things involves no conflict of loyalties, for the whole authority of the Crown stands behind its constitutional advisers acting in accordance with the law. You are aware that the Governor has been charged with special responsibility in respect of public Services, but such a responsibility on his part does not exclude the responsibility of the Minister in charge of Law and Order. It is to this Minister that the Services of the Crown committed to his charge should look for guidance for their welfare and protection; it is through him that the personal consideration of the Governor is to be invoked. On that foundation only can rest the mutual confidence between the Crown, the Advisers of the Crown and the Services of the Crown which is an indispensable condition of an orderly and progressive Government."

The greatest difficulty, however, arose from the need to co-ordinate the activities of the different provinces and the absence of Central responsibility. It was sufficiently bad to divide up the finances into Central and Provincial but uncertainties prevailed in regard to the jurisdiction—chiefly legislative, of subjects as well. In Tenancy Reform was it expropriation to introduce as in Orissa in 1939 what had been in Madras a legislative measure of thirty years' standing, under the Madras Tenancy Act of 1908? In U. P. Tenancy Legislation did not receive the assent of the Governor-General so long as the Ministers were in power and for well nigh a year after the war had broken out, while the Orissa measure was rejected by him. The Debt Relief Act of Madras was challenged before the Federal Court and upheld while a certain section of the Prohibition Act was declared *ultra vires*. In Bombay, the provisions relating to foreign liquor were abrogated by the High Court as falling outside the jurisdiction of the Provincial Legislature. Likewise, there were difficulties raised as to whether law relating to interest on debts and 'Pro-notes'—as negotiable instruments—which fall in two different categories in the allocation of subjects Provincial and Central, could be dealt with by the Provincial Legislature in schemes of Debt relief, whether exemptions given to the loans due to banks could or could not be granted by them because banks were a Central subject. Pending the decisions of the High Courts of Provinces and the Federal Court and even apart from them, the Working Committee of the Congress had to step into the breach and, through its parliamentary sub-committee or directly, had to undertake the task of co-ordination. To this end provinces were assigned to the three members of the Parliamentary Board who were authorized to deal individually with urgent matters relating each to his jurisdiction. The interference from time to time by the Working Committee in certain matters of internal administration became the subject of animadversion, particularly by Anglo-Indian journals and officers, and later by the Secretary of State and the

Premier of Britain. We may anticipate matters by citing a few examples of such intervention,—not really interference, when the Chief Minister of Central Provinces changed his ministry by resigning and reconstituting it The U. P. and the Bihar Ministers threatened resignation when the respective Governors would not agree to the release of political prisoners convicted of crimes of violence. Likewise the Orissa Ministry threatened resignation if a certain Departmental Head working under them were promoted to the Governorship of the Province, as was decided upon by the British Government. In all these matters, it was the Working Committee that acted doubtless on the initiative of the Provincial Ministries and acted firmly, breathing a spirit of unity and self-respect in the Congress Provinces, with the result that it raised a storm of criticism against itself. The part played by the Working Committee in conjunction with the Parliamentary Board in respect of the different Provinces had to be re-enacted on a minor scale in the Provinces themselves by the respective Provincial Congress Committees. When the office bearers of these Committees became the leaders of different Congress Parties in the Legislatures and later, ministers, a direct connection was established between the people at large and the ministers in whose favour they had voted. The district and provincial Congress Committees which organised these elections by nominating candidates and carrying on propaganda, naturally came to be looked upon by the public as the intermediate custodians of popular rights and even as partial repositories of Ministerial authority, so much so, that these respective offices became thronged by suitors who came forward with their grievances and sought redress through the Congress organisations. The Provincial Congress Committees in particular found themselves in a difficult and somewhat unenviable position before the ministers who could not possibly cope with the crowded demands made by an impatient public who expected to see the millennium in the new ministries and fondly believed that the Congress Committees were all-powerful. An orderly Government based on established tradition and codified law could not and should not lend itself to party ends or Tammany tactics, yet there were signs of such interference from below developing. Between these two forces the Provincial Committees had to hold the balance even, putting down all attempts to force the pace of progress by unwarranted interference with the course of administration and at the same time, stimulating with due respect to authority and with all necessary circumspection and care, the ministers to accelerate the pace of reform, to replace the dry and petrified routine of the Government by the humanising processes and personalities of a living ministry. This was not an easy task. Instances of direct action were there. Interference with executive authority were not unknown and in certain areas, the meddlesomeness of Congress organisation invoked upon them the wrath of the Working Committee and its severe reprimands. These were in turn, resented but the Working Committee and under its direction, the subordinate committees had to do their duties in the midst of trying conditions. In this connection, the President of the Congress had to address a long communication on the question of A. I. C. C. and Congress Ministries.*

In the formation of the Madras Ministry, a matter of minor importance arose which gave rise to some agitation. One of the ten ministers had been first nominated to the Upper House under the Act and then made a member of the Cabinet. Was it right for a Congressman to accept nomination at

* See pages 27 & 32 of Congress Bulletin No: 7—December,' 37.

the hands of the Governor? Was it in keeping with the traditions of Responsible Government to incorporate into a provincial ministry a nominated member of the Upper House? The matter is of sufficient importance to admit of a discussion here in all its bearings.

In the first place there is a world of difference between the Governor nominating on his own initiative and the Governor nominating on the recommendation of the Premier. In certain big municipal corporations such as Calcutta and London, there is the system of election of Councillors and then the elected Councillors co-opting aldermen. Those so co-opted are *aldermen* who may not have cared to enter the lists in a general election but whose mature wisdom and ripe experience would be an asset to the Corporation. The co-option is done by the majority party, *i.e.*, by its leader. Even so, by a convention or precedent, the Governor left two places to be filled up—shall we say, like those of the aldermen in a Corporation by the choice of the majority party—virtually by its leader. If therefore, the Premier—as the leader, mentioned the names of one or two estimable, elderly men who for one reason or other did not enter the lists but whose knowledge and talents are considered an asset to Government, and if such a choice was formally put before the Governor for his approval, what was there for criticism—except that the Premier should not have availed himself of what must academically be regarded as an objectionable—yea, as obnoxious, feature of the Act itself, namely, nomination? Once you have decided to form the Ministry, you cannot object to a proceeding which is strictly within the four walls of the Constitution. Even to a no-changer the objection might look like straining at a gnat and swallowing a camel. But coming as it does from the public that indulge in the pastime of such criticism, where is the justification?

To sum up the situation was altogether new and both inside and outside the Legislature, the Congress had to reorient its activities and the Congress could not too often stress the need for lightening the difficult task of the Congress Ministers by Congressmen working outside the Legislatures and acting as friends, philosophers and guides to the people and formulating schemes having regard not merely to the ideals of the future but to the actualities of the past and the present.

At a time when the Congress has become the Government of the Province there is likely to be a certain fusion of activities and a sense of security on the part of the public, that all is well and will be so because Congress Raj is established. One point, however, has to be borne in mind, *viz.*, that the Congress is only in office and not fully in power yet, and that even if the Congress were in full power, the programme of Congress work outside the legislatures would be as intensive and extensive as inside the legislatures. In fact, the strength and swiftness of the drive that Congress Ministers could show depended upon the reasonable and dynamic character of the agitation of the public in general.

For one thing, Congress concepts on matters of administrative concern are as yet of a somewhat vague though not quite nebulous character. In the very nature of things the position cannot be otherwise. It is only when plans and formulae are subjected to the rigorous tests of a trained Secretariat with all its statutes, rules, bye-laws, and Government Orders that their practicability and even utility can be really judged. How often does it not happen that even in the humble spheres of a bank or an insurance company, a khaddar centre or a co-operative society, when a man of imagination promulgates a new policy, he is forthwith confronted with facts and figures which silently

reduce his proposals to nullity! If that is so in these small concerns, how much more difficult should things be in matters dealing with a vast range of administrative activities into which are sought to be incorporated a number of economic, ethical and social reforms! With the Governor and his special powers on one side, with a lot of natural diffidence in ourselves, with the ever-growing appetite of the public for hastening the millennium now and here but with the Secretariat watch-dogs howling and barking, quoting chapter and verse against our cherished proposals, the task of Ministers must be anything but enviable.

Hitherto the Congress had not laboured in this direction. The old moderates were the real repositories of knowledge and experience of matters administrative and Congressmen having for seventeen years led a movement of aggressive warfare and engaged themselves in a programme of service and sacrifice, it had not been possible for them very naturally to study blue books and white, reports of Conferences and Commissions and budget debates and the Indian Hansard. There is no shame in owning this. On the other hand, the recognition of the plain truth is necessary in order to compel an urgent and strenuous study of the problems of the hour and this can be done by friends who have leisure and opportunities and the necessary equipment for it. The Congress organisation must be strengthened. The vast success that had attended its labours in the past was due to the organisation that it had built up during the past fifty years and it was on account of this fact that the Congress succeeded and the other parties failed. Indeed, the Congress organisation was so broad-based that it had ceased to be regarded as one amongst a number of political parties in the country and recognised as the one party in the country pitted firmly against Government. The time came when it was said that the Congress must be able to plant a Committee in every village and any village without a Committee must be regarded as a village without a temple.

The Congressmen outside the legislatures must play the role of the friends of the people, who were mostly illiterate. They must not merely be the mouthpieces of those dumb millions but they must be able to sift the evidence and separate the true from the false, the essential from the non-essential. In that view and for the purpose they must silently but studiously watch the behaviour of officers who, by the way, must no longer be looked upon as the enemies of the people, but must be befriended and treated in such a way that mutual confidence was established between them and the people. It was doubtless true that they would take time to give up their old authoritarian ways, but the process would be quickened in the measure in which Congressmen themselves approached the task with humility and respect. One standing bane of the existing administration was the sense of remoteness between the officers and the people. The spirit of bureaucracy had permeated the remotest corner of even the clerical services. No amount of control or scrutiny from above would efface that vice so long as the national character did not become regenerate. The real remedy, therefore, was not a penal code from above, but a moral code from below. A new code of honour, a new sense of *amour propre* was felt to be the need of the hour.

One sad feature arising from want of responsibility to the people in matters provincial and national had been that they had indulged in the past in petty warfare and factious bickerings in their own little villages. Naturally wrangles confined to a limited range acquired an intensity of pursuit beyond all proportion to the importance of the occasion. Trivial quarrels assumed a great magnitude, and litigation, civil and criminal, had

become the recognised instrument for the exercise of that spirit of " vendetta ", which would under other circumstances, seek a sanguinary outlet —be it a duel, a sabre thrust or an act of rank murder. However nonviolent litigation might be, it had destroyed the corporate spirit in the country and put out of court all spirit of associated action. Once again, the spirit of the village community must be rehabilitated and with it must be established the settlement of all disputes by a system of arbitration through local elders, who have a direct knowledge of the scene and conditions of dispute.

Above all an army of young men must be trained in the institutions, which had been the untouchables of Government up to now if not positive suspects, who would constitute themselves as the national volunteers of the country engaged in a variety of tasks of a constructive character. Their sense of helplessness had become so deep-rooted and so wide-spread that for hospitals, seminaries, technical institutes, leper homes, orphanages, criminal settlements, blind and deaf schools, they had to depend in the past upon the philanthropy of Christian missionary agencies. All these tasks must be taken charge of by the young men of the nation and in addition the services of the young men must be available for such emergencies as fires and floods, famines and earthquakes. This outlook must be cultivated by the educational institutions of the land, but must first be fostered by a demand for it from the elders of society and the heads of families. The Ministers, after all, were like the Registrars in a Registration office whose task was to register the documents brought to them by the people. Even so the Ministers would implement the reforms, sought after, formulated and pressed for by the people. Vigilance on the part of the people was the one price that was demanded of them if their rights should be safeguarded and perpetuated.

Amongst the minor Reforms in Jails lying to the credit of the Southern Presidency is one of real interest and some far-reaching importance. It was to the effect that the scavenging work should not be entrusted in Jails, as was the event exclusively to the Harijans or other scheduled castes. A peculiar feature of the British Government is that through their institutions they have helped to keep up caste long after its hold had weakened in the country,—and that, in Governmental or quasi-Governmental institutions. That they should have permitted—yea, enforced compartmental dinners in Railway Hindu hotels and told off the Harijans and Yanadies alone to scavenging work in Jails is almost incredible. Yet the latter was left to be remedied by the Congress in 1937 and the former in South India, partially at any rate by the Central Government in 1941.

A detailed report of the achievements and vicissitudes of the Congress Ministries in the provinces is given separately. Suffice it here to say that Assam soon joined the order of Congress-manned provinces and Sindh almost toed the line with the remaining seven provinces, so that at one time in 1939, it was possible to count eight of the eleven provinces as Congress-manned or Congress-minded. When first office acceptance was sanctioned by the Congress, it was clearly apprehended that ere long coalition ministries would doubtless come into existence but such apprehensions or anticipations were equally clearly put down to the morbid forebodings of cantankerous critics. The vehemence with which such criticisms were warded off was only equalled by the sincerity animating it, but politics is not a game peculiarly different from Chess or Cards for no one can foretell what shapes or

what new alignments will develop under stress of circumstances arising from time to time. It was thus that Assam formed a ministry of eight ministers with the Premier as the solitary Congress Minister. This event accentuated the regret felt in Bengal that no coalition ministry was allowed there at the outset but clearly no one can judge earlier events by later happenings. The increasing strength of Congress power and Congress influence brought with it a volume of trouble. The accelerated pace of popular expectations in the way of progress of ideas and events—especially in the spheres of labour and machinery was the cause of strikes here, there and elsewhere, which under the very Congress Ministries, witnessed instance after instance of firing by the Police and the Military. That there were three such firings in South India in the space of two years and three months of office, was considered an enormity, but South India paled into insignificance in comparison with the forty-seven times the Military was summoned to restore order in U. P., although it was so summoned almost wholly only as a Reserve force, a standby. In one case in South India where there was a stay-in-strike in a jute mill (at Chittivalasa) the Collector was considered as having erred in his judgment on the evidence of an official commission of enquiry composed of the Inspector-General of Police, a member of the Board of Revenue, and the Labour Commissioner, but the punishment proposed was a transfer of the English Civilian from Waltair to the cool heights of Ootacamund and in the alternative to the much coveted Malabar and finally to the next best district in the province of Bellary. Here was a lesson in Provincial Autonomy relating to the Services which came in time to prove the anticipations and apprehensions regarding the Government of India Act. In South India, fairly early in Congress administration, there was a case of sedition under Section 124-A of the I. P. C., which made Congressmen feel aghast, but when the speech itself gained publicity through the initiative of the accused at the meeting of the A. I. C. C. in Calcutta, in October, 1938, the severity of public resentment abated and there was a revulsion of feeling against the undertones of the speech which was delivered after a personal warning by the Chief Minister. The distinction has come to be clearly marked and recognised not between sedition and loyalty but between non-violence and violence, and it was agreed that Congress Governments could not let 'violence' hover over their provinces. Only the Penal Code should be suitbaly amended and it is not enough to leave the task of narrowing down the issue to the Magistracy which has inherited its own traditions of Law and Order through long years of loyal service to the British Raj. Thus between the Kisan-Marches which took place along vast distances and the mass awakening they brought in their train notably in Zemindari areas, with strikes in mills, with peasant conferences which were followed by mass Satyagraha, the Madras Ministry had a sufficiently arduous task. But even these were no justification for the firings at Cheerala, Chittivalasa and Mandasa.

Bombay was the only province which undertook and carried out Labour Legislation. There was a Labour Committee appointed and after due deliberation, a Labour Bill was passed which, however, did not satisfy a section of Labour in Bombay. Hostile demonstrations and shooting disfigured subsequent history. But the real tragedy lay in U. P. where the frequent occurrence of riots—communal and other, necessitated the calling in of the military often to maintain peace and tranquillity. It was in the midst of these disturbances and embarrassments at any rate, new experiences that the Congress Ministries had to embark upon a programme of constructive

reform. In the first place all the Congress-minded legislatures hastened to pass a resolution on the Constituent Assembly for the Government of India Act nowhere represented the will of the Nation and was wholly unsatisfactory as it had been designed to perpetuate the subjection of the people of India. In Bombay, the greatest event was the return of the lands and other immovable properties forfeited and sold in consequence of the Civil Disobedience Movement back to the Satyagrahis by repurchasing them at the cost of the Government and restoring them to the original holders or their heirs free of occupancy price. As in other provinces there was a large release of political prisoners and the removal of the ban on political organisations. The refund of securities from presses was also a common feature. The bans on films and literature were lifted in all suitable cases. Restrictive orders on Labour leaders were cancelled and labour legislations were in due course taken up. In Madras, rural indebtedness received its earliest attention and though it first took the form of a proposed declaration of a moratorium on agricultural debts, yet it soon gave place to a regular enactment by which the debts were scaled down. Prohibition was the next to receive attention. On this subject each province took its own line. While Madras planned a campaign of attacking the centre from the circumference, Bombay chose the opposite course. The supply of butter-milk (diluted curds ) to all prisoners in the Southern province was a much needed Reform. Release of prisoners took place here as elsewhere, while the repeal of the Moplah Outrages Act was an outstanding event. The reinstatement of village officers who had resigned in the Civil Disobedience of 1930 was a remarkable achievement. Not less important was the appointment of a Committee of the legislature to investigate into the conditions of the tenantry in Zemindari areas. The Committee produced a voluminous report of a comprehensive character and as the Congress Ministers resigned in October, 1939, its recommendations could not be implemented. The grant of two lakhs of rupees to Khadi and Hand-spinning was an act of remarkable courage on the part of the ministry as it was an act of remarkable beneficence to the constructive programme of the Congress. The measure that made a license necessary for dealers selling cloth other than handloom produets was designed as a first step in the ultimate protection intended for the handloom weaver. Boards of conciliation were appointed in connection with certain strikes. The reorganisation of the Medical profession and Public health was taken on hand betimes and honorary medical officers came to be appointed to hospitals as well as male nurses (in S. India). The coloured ballot box system was introduced into Municipalities and District Boards.

In U. P. two of the six ministers and three out of the 13 parliamentary secretaries came from the Muslims while two parliamentary secretaries came from depressed classes. Two Committees were appointed in order to undertake measure for the relief of the Peasantry. Immediate relief was given by stay of proceedings for the ejectment of tenants. Rural indebtedness claimed its attention by the hand of the second of these committees. The dispute between the employers and workers in Cawnpore where there were numerous strikes were settled by the timely intervention of the Ministry. In C. P., while charges were contemplated in regard to various subjects, the work accomplished related to certain forest rights, opening of schools for aboriginees and giving preference by Government departments to the manufactures of the Province. A remarkable report was drawn up relating to the commercial and economic survey of the province. A 12½% reduction

in the ease of small holders was effected permanently throughout the province and debt conciliation boards were established. It was proposed to lieense elubs and reduee foreign liquor shops, to reduce in other areas country liquor shops, and slightly enhance the price of liquor and also considerably reduee outstill areas. In the domain of Publie Works, the investment on Publie buildings was considerably reduced. Irrigation rates were ordered to be reduced wherever they were " against all laws and rules ", so as to avert a crisis. The scheme of Vidya Mandirs was vigorously introduced in order to meet the requirements of 24,000 villages which went without any educational facilities. At the end of all this category, there comes an achievement which must be assigned a separate place by itself because Bengal was not a Congress-manned province. In Bengal there was the largest number of detenus and Politieals, awaiting release under the intervention of Gandhi. Gandhi stayed in Caleutta for nearly three weeks from 25th of Oetober to the 16th November, 1937 despite a very high blood pressure and otherwise a bad state of health. He had long talks with the Bengal Ministry and the Governor of Bengal. He met a number of ex-detenus and other political prisoners. On his way back from Caleutta, he paid a visit to the Hijli eoncentration eamp and had a two-hours talk with 16 state prisoners. The Government had now issued a communique ordering the release of about 1,100 detenus :

> " As regards the remaining detenus, no more than 450 in number, a large portion of whom are in eamps and jails, Government propose to take up their cases in the near future. Mr. Gandhi has offered to interview individual detenus, a task which he intends to undertake in about four months' time and for which Government will gladly afford him every facility. Government hopes then to be in a position to grant immediate release to those detenus in respect of whom Mr. Gandhi may be able to give Government satisfactory assurances after seeing the individual detenus. In the meantime Government will continue to consider relaxation in individual eases and, if such action appears to be justified, complete release."

Gandhi has pointed out that the maintenanee of " non-violent atmosphere " in the province was absolutely neeessary. The Bengal Government used, however, a different phraseology when they said :—" Its (the poliey of progressive release of detenus) success must, however, depend on the eo-operation of the publie and the leaders of publie opinion maintaining an atmosphere in which subversive movements will find no eneouragement." Gandhi has expressed the hope and belief that the words " subversive movements " used in this eonnection meant " no more than aetivities which are either themselves violent or which are intended to further violenee."

## 1937

### Summary

Altogether the year 1937 was an eventful year. The Congress did not hold a session in the year but covered the progress of half a eentury in it. Indeed it put the eoping stone on the areh of national organization when it definitely plumped for formation of Ministries. The line of progress was changed from the wonted paths of non-eo-operation, but the time for eo-operation was not yet. The Congress did not abate its opposition to the implementing of that portion of the Aet which related to Federation,—a

step forecast by the British Government shortly after the decision of the Congress to form ministries. The Congress considered such an attempt as a challenge to the people of India and called upon the various Provincial and Local Congress Committees and the people generally as well as the Provincial Governments and Ministries to prevent the imposition of the Federation. Provincial Governments were particularly instructed to move their Legislatures to give formal expression to this opposition to the proposed Federation.

Apart from the larger question of Federation, the points of conflict between the people of India and the British Government continued to prevent any spirit of real co-operation marking the march of events. For one thing thousands of detenus still remained without trial in camp jails and prisons, in India and the Andamans, and 'in view of the statement made by the Andaman prisoners in their telegram to Gandhi to the effect that they have given up their faith in violence, there was no justification or excuse whatever in detaining them there or elsewhere. Besides these on whose behalf Gandhi and the Congress were putting forth their best efforts, there were others—such as those described in the following categories whose cases were complicated by their crimes of violence, but all the same, merited immediate consideration. That was not all. There were the exiles in respect of whom the All India Congress Committee passed the following resolution :

> " The All India Congress Committee urge the Government of India to remove all restraints and restrictions on entry into India of all political exiles including :—
>
> Syt. Virendranath Chattopadhyaya, Dr. Abani Mukherjee, Syt. Mahendra Pratap, Syt. Pandurang Sadashib Khankhoje, Sardar Ajit Singh, Maulvi Obeidullah, Maulvi Abdullah Khan, Dr. Taraknath Das, Qazzi Abdul Wali Khan, Syt. Basanta Kumar Roy, Syt. Prithvi Singh, Lala Har Dayal and Syt. Rash Behari Bose.
>
> The Committee are further of opinion that a general assurance should be given to all Indians abroad, who are not sure of their freedom on returning home, that on their return to India no repressive action will be taken against them for any past activities."

The Congress in previous years had not given that measure of attention to problems of labour throughout India, which they deserved. An Ideal labour organization had been doubtless built up in the city of Ahmedabad by the constitution of a permanent Board of Administration, but it was not possible elsewhere for organizations to command the prestige of the personnel of this Board. Nor were the employers of labour as responsive elsewhere as in that premier cotton city of India. The result was that labour was left to be organized either by the Communists or by random workers who chose to take interest in the task for their own reasons. But when once Congress took up office it was no longer possible to neglect this vital subject constituting an important aspect of national life, particularly in the province of Bombay. The Labour Committee that the Congress had already appointed, formulated as the result of its labours a comprehensive programme of Reform which was accepted by the All India Congress Committee in October 1937 in a resolution which was as follows :—

### Programme of Work

" With a view to secure uniform action in the various provinces the Conference recommends to the Provincial Governments the adoption of the

following programme and resolves that necessary investigation in respect of the various items should be carried out, mutual consultations held, and proposals formulated, before the 30th of June 1938 :—

(*a*) Introduction of legislation facilitating the collection of statistics ;
(*b*) Extension of the Factories Act to unregulated establishments ;
(*c*) Stricter enforcement of the Factories Act in the case of seasonal factories ;
(*d*) Introduction of legislation providing for maternity benefit for a period of not less than eight weeks in provinces where it does not exist ;
(*e*) Inquiry into the question of adequacy of wages in organised industries ;
(*f*) Labour exchanges ;
(*g*) Leave with pay during sickness ;
(*h*) Minimum wage fixing machinery ;
(*i*) Machinery for the settlement of disputes ;
(*j*) Recognition by the State and employers of Trade Unions which accept the policy of using peaceful and legitimate means ;
(*k*) Housing of labour ;
(*l*) Scaling down of debts ;
(*m*) Hours of work ;
(*n*) Holidays with pay ;
(*o*) Employment insurance ;
(*p*) Conditions for State aid to industries in regard to treatment of labour.

The Conference further resolves that administrative or legislative action, as the case may be, should be taken by Provincial Governments in respect of as many of the aforesaid matters as possible in the course of the next year."

### Joint Conference

The Joint Conference is of opinion that it would help the evolving of uniform policy and programme if the Congress Ministries of Labour met in periodical Conference. The Conference is further of opinion that the Congress Labour Committee and the Congress Labour Ministers and Parliamentary Secretaries should meet from time to time to review the situation in regard to the carrying out of the labour programme.

The Congress Labour Committee also passed the following resolutions and recommended them for the consideration of the Congress Ministries:

An equally and even more important subject for consideration by the Congress was the question of minorities. The readers will doubtless recall the discussions at the Second Round Table Conference in London in 1931, the decision of Premier Ramsay McDonald, the Fast unto Death undertaken by Gandhi in September 1932 and the reincorporation of the Harijans amongst the Hindus after 6 days of the epic fast which had convulsed the world. Let it be noted that what the Congress intended was that whereas if there were joint electorates, the Harijans would be incorporated into the general electorate, the integration of separate communal electorates decided upon by the Premier should not detach the Harijans from the community of which from time immemorial they had been inseparable factors. The Premier's decision had exercised the Hindu mind of India as well considerably. All these are aspects of the question which the Working Committee bore in mind when it had decided neither to accept nor to reject the Premier's decision.

The subject, therefore, called for the considered opinion of the Congress alike in view of the past and the future of the nation and the following resolution of the A.I.C.C. was passed in Calcutta in October 1937 :—

> " The Congress has solemnly and repeatedly declared its policy in regard to the rights of the minorities in India and has stated that it considers it its duty to protect these rights and ensure the widest possible scope for the development of these minorities and their participation in the fullest measure in the political, economic and cultural life of the nation. The objective of the Congress is an independent and united India where no class or group or majority or minority may exploit another to its own advantage, and where all the elements in the nation may co-operate together for the common good and the advancement of the people of India. This objective of unity and mutual co-operation in a common freedom does not mean the suppression in any way of the rich variety and cultural diversity of Indian life, which have to be preserved in order to give freedom and opportunity to the individual as well as to each group to develop unhindered according to its capacity and inclination."

In view, however, of attempts having been made to misinterpret the Congress policy in this regard, the All India Congress Committee desire to reiterate this policy. The Congress has included in its resolution on Fundamental Rights that

(*i*) Every citizen of India has the right of free expression of opinion, the right of free association and combination, and the right to assemble peacefully and without arms, for a purpose not opposed to law or morality.

(*ii*) Every citizen shall enjoy freedom of conscience and the right freely to profess and practise his religion, subject to public order and morality.

(*iii*) The culture, language and script of the minorities and of the different linguistic areas shall be protected.

(*iv*) All citizens are equal before the law, irrespective of religion, caste, creed or sex.

(*v*) No disability attaches to any citizen by reason of his or her religion, caste, creed or sex, in regard to public employment, office of power or honour, and in the exercise of any trade or calling.

(*vi*) All citizens have equal rights and duties in regard to wells, tanks, roads, schools and places of public resort, maintained out of State, or local funds, or dedicated by private person for the use of the general public.

(*vii*) The State shall observe neutrality in regard to all religions.

(*viii*) The franchise shall be on the basis of universal adult suffrage.

(*ix*) Every citizen is free to move throughout India and to stay and settle in any part thereof, to acquire property and to follow any trade or calling and to be treated equally with regard to legal prosecution or protection in all parts of India.

These clauses of the *Fundamental Rights* resolution make it clear that there should be no interference in matters of conscience, religion or culture, and a minority is entitled to keep its personal law without any change in this respect being imposed by the majority.

The position of the Congress in regard to the Communal decision has been repeatedly made clear in Congress resolutions and finally in the Election Manifesto issued last year. The Congress is opposed to this decision as it is anti-national, anti-democratic and is a barrier to Indian freedom and the development of Indian unity. Nevertheless the Congress has declared that a change in or supersession of the Communal Decision should only be brought about by the mutual agreement of the parties concerned. The Congress has always welcomed and is prepared to take advantage of any opportunity to bring about such a change by mutual agreement.

In all matters affecting the minorities in India, the Congress wishes to proceed by their co-operation and through their goodwill in a common undertaking and for the realization of a common aim which is the freedom and betterment of all the people of India."

Closely allied with the question of the minorities was the question of the National Song. In certain Legislatures, the proceedings began with the singing of the ' Bande Mataram ' song which had been for nearly four decades treated as the National song of India. Other songs of Iqbal came nearly into equal prominence with this of Bankim Chandra Chatterjee, but somehow Moslem opinion resented the idea and as time advanced this resentment came to be incorporated in Muslim League's indictment against the Congress rule under Provincial Autonomy.

There are a few other matters to which the A.I.C.C. turned its attention in the year under Review. For a long time, *i.e.*, for over quarter of a century the Andhras and later the Karnatakas had been pressing for the carving out of separate provinces for the respective Languages areas and for the first time, the A.I.C.C. in Calcutta (October 1937) " reaffirmed the Congress Policy regarding the redistribution of provinces on a linguistic basis and recommended to the Madras and Bombay Governments to consider the formation of a separate Andhra and Karnataka provinces respectively. Following this recommendation, the Madras Legislature passed a resolution asking for separate provinces for the different linguistic areas and after prolonged correspondence between the Madras Government and the Secretary of State, the latter held over the proposal for the time being. In Bombay, the question of Karnataka province was taken up simultaneously.

In the midst of these and other pressing problems relating to Home, India did not forget its obligations to her nationals abroad and to humanity in its larger jurisdiction. The affairs of Indian States which belong to the ' Foreign ' department of the Government of India had been engaging the closest attention of the Congress and in 1937, when repression rose to the highest pitch in Mysore, the A.I.C.C. took up this subject and expressed its opinion in the following uncompromising terms :—

> " This meeting of the A.I.C.C. expresses its emphatic protest against the ruthless policy of repression as indicated by the inauguration of various restrictive and prohibitory orders and political prosecutions launched in the Mysore State and also against the suppression of civil rights and liberties by denying the elementary rights of speech, assemblage and association.
>
> " This meeting sends its fraternal greetings to the people of Mysore and wishes them all success in their legitimate non-violent struggle and

appeals to the people of Indian States and British India to give all support and encouragement to the people of Mysore in their struggle against the State for right of self-determination."

India has her sons and daughters in Zanzibar and they were engaged in a brave struggle against the new decrees which were calculated to result in ruining Indian interests, and the internal and export trade of the Indian community settled for so long in the country. It was the Indians that had helped greatly in promoting the prosperity of Zanzibar. The fact is that under the circumstances in order to give adequate help in their struggle and protect Indian interests there, it was considered essential that an embargo should be placed on the import of cloves in India. Accordingly, the people of India were called upon to refrain from using Zanzibar cloves until the new decrees should be rescinded. This scheme of boycott of cloves from Zanzibar was taken up all over the country with real zest and resulted in achieving the intended relief to the Indians in Zanzibar.

Nearer home, but in a land which did not concern the Indians directly, grave injustices were being perpetrated by the reign of terror that had been established by British Imperialism. Palestine which was placed under the mandate of Britain was the subject of acute controversy between the Arabs and the Jews and a Royal Commission had been appointed to go into the problem. The Peel Commission on Palestine had submitted their report in the 4th week of July and proposed a partition of Palestine between the Arabs and the Jews. If we may anticipate matters, the concept of Pakistan based upon a partition of India into Hindu and Muslim areas which although it had its origin so early as 1932, became a live issue in 1940-41, was only a parallel to this concept of the Partition of Palestine which was recommended by the Peel Commission in 1937. The Congress emphatically protested against the reign of terror as well as the proposals relating to Palestine and assured the Arabs of the solidarity of the Indian people with them in their struggle for national freedom.

Japan's aggression in China became as much the concern of the Indian Congress as the Partition of Palestine :—

"The All India Congress Committee view with grave concern and horror the imperialist aggression of Japan in China attended with wanton cruelty and the bombing of the civil population.

"The Committee express their deep admiration for the brave and heroic struggle which the Chinese people are conducting against heavy odds for maintaining the integrity and the independence of their country and congratulate them for achieving internal unity in face of national danger.

"The Committee offer their heartfelt sympathy to the Chinese people in their national calamity and, on behalf of the people of India assure them of their solidarity with them in their struggle for maintaining their freedom.

"The Committee further call upon the Indian people to refrain from the use of Japanese goods as a mark of their sympathy with the people of China."

It is not possible here even to summarise, however briefly, the events that crowded the national programme and constituted the national achievement in the year 1937. A new national outlook pervaded the whole country. Internal discipline and external independence were the supreme concern of the Congress. This country, it is well-known, has been subdued as much

by the rewards held out in recognition of loyalty as the penalties meted out in punishment of patriotism, and in the scheme of the moral and intellectual conquest devised by the British in India, the titles' list, stretching over long columns of dailies published in the beginning of the year and its middle, the former to mark the New Year's owners and the latter those of the conventional birthday of the King, has played a great part in the demoralisation of the nation which by far exceeds the part played by posts and preferments. Accordingly, the A.I.C.C. expressed their considered opinion that in Provinces where the Congress Ministries existed, the Assemblies should adopt a resolution discountenancing and discontinuing any further titles or decorations and that the Cabinets should intimate to the King that they would not make any further recommendations in this behalf and did not desire any to be conferred on their provinces.

In a vast country like India, the process of co-ordination of activities and maintenance of discipline was no easy task, particularly when the nation was about to taste power for the first time. The leadership of parties in the legislatures meant a good deal more than met the eye at first and for the first time the Congress began to realise how in this tiny seed of the 4 anna membership of the Congress, the mighty tree of the Premiership of the Province lay embedded. If, therefore, conflicts arose between the claims of an individual and decision of the party in regard to its leadership which meant virtually the premiership of the province, it was only the Working Committee that could possibly address itself to the solution of the problem by adjustment of claims wherever possible or their rejection wherever necessary.*

> "The Working Committee considered the report of Shri M. K. Gandhi and Shri D. N. Bahadurji regarding the issues raised by Shri K. F. Nariman. The Committee also considered the covering letter of Shri M. K. Gandhi and the two statements issued by Shri K. F. Nariman in regard to the report of the Inquiry Committee. The Committee are of opinion that in view of the findings in this report and his acceptance of them and his subsequent recantation, his conduct has been such as to prove him unworthy of holding any position of trust and responsibility in the Congress organisation.
>
> " In view of these facts, the Working Committee directs that the report and the letters accompanying it be published in the press."

The description of events of 1938, and a study of the Haripura session of the Congress may well open with a reference to the celebrations of the Independence Day which had been observed since 1930. The (Independence) Pledge drawn up in 1930 had described in some detail the moral and material injury done to India under British Imperialism. A recital of this being considered unnecessary every year, the pledge which was then issued on the eve of the Civil Disobedience Movement (Salt Satyagraha) of 1930, was suitably altered and the following new pledge for the Independence Day on January 26, 1938 was issued :—

> " We believe that it is the inalienable right of the Indian people, as of any other people, to have freedom and to enjoy the fruits of their toil and have the necessities of life, so that they may have full opportunities of growth. We believe also that if any government deprives a people

* The reference here is to the dispute in Bombay Presidency for the details of which, the reader is referred to the Bulletins of the Congress and other concerned literature. Mr. Nariman felt aggrieved and the matter was referred to a Committee.

of these rights and oppresses them, the people have a further right to alter it or to abolish it. The British Government in India has not only deprived the Indian people of their freedom but has based itself on the exploitation of the masses, and has ruined India economically, politically, culturally and spiritually. We believe, therefore, that India must sever the British connection and attain Purna Swaraj or Complete Independence.

"We recognise that the most effective way of gaining our freedom is not through violence. India has gained strength and self-reliance and marched a long way to Swaraj following peaceful and legitimate methods, and it is by adhering to these methods that our country will attain independence.

"We pledge ourselves anew to the Independence of India and solemnly resolve to carry on non-violently the struggle for freedom till Purna Swaraj is attained."

## CHAPTER IV

### Haripura (1938)

If the commotions and the convulsions in national thought during the two preceding years were largely conditioned by the concepts of Socialism and Communism which travelled afresh into the country, the conflicts that arose in 1938 must largely be put down as the off-shoots of the earlier antagonisms that had been raging indeed for some years past in Congress annals. Here was Gandhi who though not a member of the Congress, was still the Power behind the throne, the fountain spring of all ideas of constructive nationalism and the architect of that mighty barrage which helped to stem successfully the tide of violence. There were the younger folks who felt impatient over the slow progress of the ideas rooted in non-violence and were hard put to it to discover short cuts to vertical heights or make long jumps over impassable gulfs. The formation of Ministries in particular did not achieve that millennium nor did the popular Governments help to hasten the advent of that far off divine event, the emancipation of the Kisan. People began to ask in wonderment how it was that the Zemindars stayed where they had been, that the *Zulum* of the Police continued unabated, that the sufferings and miseries of the cultivators were still awaiting redress, while the prisoners convicted of crimes of violence were pining away in jails in Bengal, Bihar, and the Punjab and in the Andamans, as the result of the hunger-strike they had embarked upon. In the midst of this confusion and darkness, there peeped in a streak of light, however dim, which penetrated this atmosphere of uncertainty and helped to brighten the path of the Congressmen across these unfamiliar paths of national reconstruction. From the Andamans came the avowal of the prisoners that they no longer had any faith in terrorism or violence as a political creed and as a weapon in the struggle for freedom. Their views were prompted neither by fear nor by hope but solely by a long and careful study of history and hard thinking about political science and they wired their views to Gandhi and to the world. Then again those who had been suffering for long and bitterly for the expression of their ideas, were not a few for there were still a 1,000 Bengali Youths and amongst them 7 women in prison. Numerous were the repatriated Andaman prisoners with long years before them without any hope of release. There were 13 prisoners in the Hazaribagh Jail in Bihar who following the example of Punjab Comrades, were on hunger-strike and there were 25,000 'Bhadra log' young men in Chittagong who must carry identity cards,—for all these to disavow their faith in violence was to spell the death of terrorism in Bengal and in the rest of India. The Congress called upon the hunger strikers to give up their strike and assured them that everything would be done and was being done to secure the release of the prisoners. There was a lull doubtless after the repatriation of the Andaman prisoners and the release of the 1,100 Bengal detenus, for imperialism was not prepared to go further and it invoked the special powers of the Governors to prevent their release. The Hunger strikes in the Punjab of 20 patriots already for 30 days served to break the lull and stir the conscience of the nation once again.

While, on the one side, those that fought the national struggle with their blood were thus veering round to non-violence or at any rate were weaning themselves away from all violence, there were the hordes of Kisans organising themselves into huge parties marching hundreds of miles along the villages and trying to build up a party, a power and a force more or less arrayed against the Congress. They found a cause, a flag and a leader. The cause of the Kisan was not a new one but had all along been upheld by the Congress. The flag they chose to favour was the Soviet Flag of red colour with the hammer and sickle. This flag came more and more into vogue as the flag of the Kisans and the Communists and even loud and repeated exhortations of Jawaharlal Nehru would not keep it to its place or proportions. Almost everywhere there were conflicts between Congressmen and Kisans over the question of the height and the prominence of the flag, and the virtual attempt of the latter to displace the Tricolour flag symbolized the contest between Socialism and Gandhism. Really it was less of Socialism and perhaps more of Communism that was gradually permeating the atmosphere for the Socialists began already to identify themselves with the Communist group in some provinces or melt away imperceptibly into the larger group of nationalists. The leaders of the Kisan movement were many and they toured the country far and wide and shifted the grain from the chaff, the true Socialists from the doubtful, the ardent and active from the passive members and they strengthened and consolidated their party and pitted it up against the Congress. It is regrettable to note that the provincial elections in several provinces became complicated by disputes and skirmishes in Karnataka, in Bihar, in U.P. and in Orissa while in Andhra and other places only the supreme faith of the volunteers and the average Congressmen in non-violence saved the province from the display of violence on the part of the opposition.

It was in the midst of this conflict between violence and non-violence, the acuteness of the situation created by the hunger strike in jails and the subdued resentment against the Congress ministries for their slow progress that the Haripura Session met. The Fifty-first Session of the Congress met at Vitthal Nagar, Haripura on 19th, 20th, 21st of February 1938 under the Presidentship of Babu Subash Chandra Bose. There is no doubt that the session met under highly trying circumstances.

The selection of the President for Haripura was uneventful. On the eve of the Session Subash Babu outlined his policy thus :—

"My term of office as the Congress President will be devoted to resist this unwanted federal scheme with all its undemocratic and anti-national features, with all the peaceful and legitimate powers, including non-violent non-co-operation if necessary, and to strengthen the country's determination to resist this scheme."

Mr. Bose added that it would be his endeavour during the year to so develop the power of resistance among the people of India as to make the British Government abandon the idea of forcing the federal scheme down the throats of the Indian people. In this effort they would keenly watch international developments and adjust their tactics accordingly, so as to take the fullest advantage.

### Warning to Britishers

Mr. Bose warned the British statesmen against making the mistake of believing that just as the Congress had accepted ministries despite their

protestations to the contrary they would also swallow the federal part of the Government of India Act. He averred it would be a wrong analogy for British statesmen to indulge in.

### Aim of National Unity

The Congress would, continued Mr. Bose, concentrate on bringing about national unity by trying to settle the communal question. They would do everything in their power during the coming year consistent with nationalism to meet Mussalmans and try to come to an understanding with them.

Mr. Bose affirmed that there was anxiety on the part of the Congress to come to terms with Mussalmans, but regretted that no specific demands on behalf of Mussalmans had been placed before the country. He assured all concerned that the Congress would do its utmost to meet all reasonable demands of the minority community provided the Congress was assured that a policy of consistency was maintained.—A.P.

Every session of the Congress claims its own special interest and importance even as every resolution at a session does, and the one at Haripura session may legitimately claim its share for the Ministries passed through a crisis at the 51st session. Hardly had they been in existence for seven months, hardly had they run their feet into the Ministerial shoes when, their very existence stood in jeopardy on account of certain vital and acute differences that arose between the provincial satraps and themselves in one province and another. The delegates' camps at Haripura were in high tension over the wide-spread reports that the Ministries of both Bihar and U. P. had tendered their resignations because the two Governors would not allow political prisoners convicted of crimes of violence to be released. All the perfection of arrangements at Haripura, the five hundred cows that were kept there for the milk supply of delegates, the meticulous cleanliness and the high class fare and the generous hospitality that the delegates and visitors received,—all receded into the background before the all-absorbing thought which events in Behar, U.P. and Orissa necessarily forced to the front. Not less exciting was the problem of the States and the Kisans. The A.I.C.C. that met in Calcutta in October 1937 had suddenly taken up the subject of Mysore on the spur of the moment and passed a resolution which in its rider went beyond the well-deliberated position till then taken up by the Congress for it (Refer to Bulletin December 1937,) "appealed to the people of the Indian States and of British India to give all support and encouragement to the people of Mysore in their struggle against the State for right of self-determination." That was not all, there was a vast and wide awakening amongst the people of the States,—North, East, South and West, during the previous two years and the session of the Congress was just preceded by a convention of States People's workers that met at Navsari. The draft resolutions of the Working Committee, it was felt required some readjustment. Then there were the Kisans who in their new awakening, complicated matters through their activities with which the Congress could not associate itself as they were "incompatible with the basic principles of the Congress. Nor would the Congress countenance any of the activities those Congressmen who as members of the Kisan Sabhas help in creating an atmosphere hostile to Congress principles and policy."

There was too a mild sensation over the developments on the Minority question and over a speech delivered by Mr. Jinnah at the Mahomed Ali Park in Calcutta on December 28th 1937, while addressing the Muslim

Students, Federation. In that speech, he had held out a challenge to the Congress and remarked 'The Congress High Command must be brought to their senses.' In addition there was that burning topic of the detenus and hunger-strikers which had been hanging fire for some time and for the settlement of which Gandhi was hoping to go to Bengal soon after the Haripura session. Two other matters claim our passing attention before we study the deliberations of the Congress session at Haripura. It was Gujarat that had invited the Congress and the language of the province is always accorded due recognition in the speeches, resolutions, placards and sign-boards. That is both natural and inevitable. The national language of India too must equally naturally claim a place in all the notices and literature and placards and sign boards adopted particularly by the Reception Committee and while there is no dispute for all practical purposes regarding the National language of India,—Hindustani of the two scripts that have been recognized, namely Devanagari and Arabic, it so happened at Haripura that only the former was noticeable side by side with Gujarati and English and not the latter. This became the subject of a complaint later. It may be thought the matter is not significant enough for attention here but it is not insignificant. The fact, however, was that the complaints made in the Urdu press in this behalf were found to be unjustifiable for there were Urdu posters at all the principal places. There was a complaint relating to the absence of provision of non-vegetarian food, while the fact was that there were hotels supplying such food at Haripura.

The second point was that the Haripura Session was the first session at which the paper that was used by the Reception Committee was hand-made paper. It was really a proud day in the annals of the Congress that the cult of the A.I.V.I.A. which was started in the year 1934,—Bombay session (October) should have become so far recognized that the Reception Committee felt called upon to use hand-made paper alone for all its transactions. It was fitting that it should be so because at Haripura was inaugurated the All India Board of National Education, thus erecting the coping stone long overdue, on the arch of the constructive programme.

It is the misfortune of the nation to bemoan the loss of some of its great men and women year after year but that is inevitable. At Haripura, the Congress recalled with deep sorrow the demise of Shrimati Swarup Rani Nehru, the wife of the late Pandit Motilalji. With her three members of the family had sacrificed themselves while in harness, in the service of the Nation. Her only son, Jawaharlal Nehru had just completed his third term of the Presidentship of the Congress and during his term made a rapid tour of almost all the provinces in India and also Burma and Malaya. On the eve of his laying down the reins of office, he had toured Assam and there personally, as well as at the Haripura session through the Congress, demanded the release of the heroic Naga woman, Guidallo, who had raised the banner of freedom in the distant forests of Assam in 1932 and who had been since suffering imprisonment for more than six years. After long and strenuous work President Jawaharlal handed over charge to one not only considerably younger than himself but one that was undoubtedly the youngest President of the Congress. Subash Babu was still recovering from a long illness. He comes from a province whose young men and patriots had suffered most in the annals of India ; had striven most in promoting national culture and suffered most in effecting India's emancipation. The District of Midnapore which was particularly dear to the president was chosen by the non-Congress ministry of Bengal for being made the residual legatee of repression in the

Province and the Haripura session had strongly to deprecate the continuance of the ban on about 110 Congress organisations in the district of Midnapore imposed by the Government of Bengal and express it as its considered opinion that the plea put forward by the Government to the effect that the Congress Committees were limbs of a terrorist organisation was entirely without any basis.

It would be advantageous to describe briefly the relation of India to the several countries with which it had had long standing relations and to locate her position in the midst of these international and intra-Imperial conflicts.

'Indians overseas is a hardy annual at the various sessions of the Congress and at Haripura, as elsewhere, the Congress viewed with alarm the rapidly growing deterioration in the status, position and rights enjoyed by Indians in South and East Africa including Kenya, Uganda, Tanganyika, Zanzibar and also in the islands of Mauritius and Fiji. The formation of a monopolist Clove Growers' Association in Zanzibar, the native Produce Bill in Tanganyika, the East African Transport projects, the Reservation of the Highlands in Kenya for the Whites, were all evidences of the new economic policy then being pursued by British Imperialism. In Kenya there was the long standing administrative practice of preventing the British Indian from acquiring lands in Highlands while a European of any nationality was free to do so. This was a humiliating disability to Indians. This iniquitous practice was now sought to be perpetuated statutorily by an Order in Council defining the boundaries of the White Highlands—a step contrary to the declaration of the Government of India in 1923.

The Congress further cleared its position in regard to the original inhabitants of South and East Africa by pointing out that the demand of the Indian settlers was not conceived in any spirit of hostility towards them but was put forward to prevent the common exploitation of both the Africans and the Indian settlers by British Imperialism. In Zanzibar, the boycott of trade in cloves by the Indian Merchants was complete and satisfactory and it did not take long as a matter of fact for a proper settlement of this question. The same kind of brutal Imperialism was raising its head to the East in China and perpetrating its horrors and frightfulness, carrying with it the greatest menace to world peace and freedom in Asia. The sympathy of Indians with China went the length of resolving upon a boycott of Japanese goods by India. To the west, in Palestine, there was a sinister move for the partition of the country. A veritable reign of terror was afoot in Palestine and the Congress only wished that the difference should be composed by amicable settlement. To the South, India had to face some little trouble in Ceylon. The Ceylon Government was proposing discriminatory legislation against the Indians, so as to deny the Indian labourers the franchise in Local administration and abridge the Civil rights of Indian residents in Ceylon. Ceylon and India, were in the eye of the Congress one and inseparable in so far as the people were concerned.

All these paled into insignificance in comparison with the clouds of a widespread and devastating war which threatened to overshadow the world at the time of the Haripura Session. The policy of the Indian people in regard to foreign relations and war was clear and the Haripura session thought it fit to state it afresh.

> "The Working Committee view with grave concern the rapid increase in the number of companies owned and managed by foreign nationals and describing themselves with designations such as "India Ltd." or

similar words in the hope or with the object of being regarded as genuine Indian concerns. The establishment of these companies has the effect of robbing India of such advantage or benefit as is expected from the policy of discriminating protection which has been pursued by the Government of India for the development and growth of Indian industries.

"The Congress has always opposed the new Constitution not only because it is a negation of political freedom but also because of the inclusion in the Constitution Act of provisions described as safeguards against discrimination. The Working Committee are of opinion that these provisions are not in the interests of India but are intended and calculated to preserve to foreign nationals and particularly British capitalists the exploitation of the natural wealth and resources of this country. The Working Committee maintain that India has the right to discriminate, if that word must be used, against non-national interests, whenever and wherever the interests of India demand or require it.

"The Working Committee have no objection to the use of foreign capital or to the employment of foreign talent when such are not available in India or when India needs them but on condition that such capital and such talent are under the control, direction and management of Indians and are used in the interests of India.

"The Working Committee are further of opinion and declare that no concern can or shall be regarded as Swadeshi unless its control, direction and management are in Indian hands. The Working Committee would prefer, to delay the further development of Indian industries if it can only result in the dumping of foreign industrial concerns who would exploit the natural resources of India. The Working Committee therefore hold that the development of India's resources should be achieved by building up industries under the control, direction and management of Indians which is essential for India's economic independence."

It was in the midst of these world commotions and convulsions that at Haripura, the Congress was called upon to face its own internal troubles and turmoils. Provincial Autonomy was doubtless being worked in a spirit of combat in which several conflicts sprang to the surface and awaited solution at Haripura. But the central Government of India was still there,—much as it had stood for a century—personal and autocratic, neither responsible nor responsive to popular opinion. The Federation that was sought to be erected was, though in principle not repugnant to the Indian people or the Congress, rejected once for all by the Congress as it was not based upon the Independence of India. The Congress had no doubt that the Indian constitution could be framed by the people themselves by the means of a Constituent Assembly without interference from any foreign authority. The fact that the Congress had agreed to the working of Provincial Autonomy would not operate likewise in favour of trying the Federation as well for this scheme of Federation excluded from the sphere of responsibility vital functions of Government. But it was not merely a question of responsibility wholly for Federation must consist of free units enjoying more or less the same measure of freedom and civil liberty and representation by the democratic system of election. To this end, the Indian States should be made to approximate to the provinces in the establishment of representative institutions and responsible Government, Civil liberties and method of

election to the Federal Houses. Thus alone could we avoid the enouragement of separatist tendencies and the involvement of States in internal and external conflicts. The Congress accordingly had no alteranative but to resolve to combat in every way any attempt to impose such a Federation against the declared will of the people.

Closely connected with the question of Federation are the allied questions of Minority Rights and the Indian States. More and more numerous were the numbers of minority communities who had joined the Congress during the previous year and given their support to the struggle for freedom and the ending of the exploitation of India's masses. The enrolment of membership of the Congress received a great impetus after the formation of Congress ministries and a noticeable feature was the growing strength of the minority communities therein. The Congress, it will be remembered, through its executive had already shaped its policy on 'Minority Rights' in Calcutta in October 1937 and felt it to be its primary duty as well as its fundamental policy to protect the religious, linguistic, cultural and the other rights of the Minorities in India so as to assure for them in any scheme of Government to which the Congress would be a party, the widest scope for their development and their participation in the fullest measure in the political, economic and cultural life of the Nation. In practical effect, however, the conversations and correspondence that went on since the time of Rajendra Babu's presidentship did not show any material result as such and details of these developments in connection with this problem of Hindu Mulsim concord should be given in a separate chapter *in extenso* or in a separate publication.

There remained the question of the Indian States which played a notable part in the Haripura Congress. It will be remembered that a section of the Congress and Gandhi did not see eye to eye on the problem of the States and the attitude of the Congress towards the political awakening in them. So early as in 1934 when Gandhi published a statement on the 6th of April, he made a reference to Socialism and the States as well as the constitution of the Congress as the points on which he had his distinctive views in opposition to those entertained by one wing in the Congress. Part of the difficulty arose from the fact that the people of the States were believed to be demanding external aid for internal agitation. They soon put their house in order and organised their committees and met in an All India Conference in July 1936 at Karachi. This was the beginning of a new chapter in the progress of the States' People's politics on lines closely analogous to those adopted by the Congress. Associations sprang up everywhere and many of them affiliated to the All-India body. The Praja Mandals of certain States preferred to remain unconnected with outside organisations of States' Peoples much less with Congress organisation. In some States, there were Congress Committees side by side with States' Peoples' Organisations. Really the people of the States were in a difficulty. Their passion for the Congress was as unreserved as it was sincere. But they had to contend against their own Governments in the States which did not countenance the formation of alliances with the Congress organisation. The princes of some States had objection even to the States' Peoples' Associations. Although the Congress had up till 1921 a constitution which did not permit of the formation of Congress Committees in the States still, since the Calcutta session in 1928 a new chapter began.

Having gained an inch in Calcutta the people of the States aspired to an ell in later years. They wanted the Congress to bear the burden of the people in the States or at any rate take the responsibility for the political

organisations of the States' Peoples. The Congress on the contrary had its own difficulties to contend against. If an embargo was placed on the primary membership of the States' People in Congress Committees outside the State, that was only a matter between the individual and the State. But if regular committees were formed with a whole hierarchy of them from bottom to top affiliated to the great Indian National Congress, observing its constitution, obeying its orders and acting up to its resolutions, any conflict between the local committees in the States and the State Durbars would become a vital and immediate concern as much of the Congress organisations as a whole, as of the people in the States. Thus would the Congress be embroiling itself with the local vagaries and idiosyncrasies of a variety of States, 562 in number, a task obviously beyond the pale of the practical politics of the Congress. The issue then that arose at Haripura was whether Congress Committees should be permitted in the States and whether the Congress constitution of India's provinces should not be equally acceptable to the people of the States. An easy way out of the difficulty was considered by the States' Peoples' organisation which had just met at a convention at Navsari prior to the Haripura Session, to be to make one change in the Article 1 of the Consitution by stating that *India* means the *people of India* including the people of the Indian States. In order to prove the bona fides of the Congress in respect of their sympathies for the people of the States and to reassure them of the helpful attitude of the Congress towards them it was suggested that a committee be set up of the A. I. C. C. to investigate the conditions of the States' People in special relation to civil liberties and constitutional development, agrarian conditions and States' monopolies of Trade, in selected States in India and that a report be submitted to the Congress before the next session. It will also be remembered that the resolution on Mysore passed by A. I. C. C. in Calcutta in October 1937 did not commend itself to Gandhi who criticised it in severe terms nor to Jawaharlal Nehru though as President he allowed its introduction and the resolution was passed under his chairmanship. That, however, did not mean that it should have his whole-hearted approval. He himself declared at Haripura that he did not personally like the resolution which had come before the A. I. C. C. in Calcutta,—not that he objected to the condemnation of repression in Mysore,—indeed, he whole-heartedly endorsed it,—but that at a time when the country had to face all manner of big problems and a big crisis it was better perhaps if " we tone down our resolution and tone down our activities slightly, so far as the use of the Congress name is concerned and push forward and prepare good ground for action not only in British India but States ". " Today ", he said, " a remarkable awakening is taking place all over India including the Indian States. We on our part must try to nurse it, cherish it and we must organise ourselves ". The most controversial point in the Working Committee's draft at Haripura related to the clause which banned the organisation of Congress Committees in Indian States. It was naturally felt from the recent instance of Mysore and the Civil disobedience campaign going on there, that the Congress which for the moment was following a different policy outside Mysore, could not get embroiled with civil disobedience in the Mysore State in all its implications and repurcussions on other parts of the country. It was also pointed out that when it was a question of civil disobedience, the Congress could not be there to help while when it was a question of constructive programme there were the All India Organisations doubtless affiliated to but more or less working independently of the Congress to render all necessary aid. Therefore,

the use of the Congress name by the State Committees was definitely a hindrance to them. Times would soon change undoubtedly but meanwhile it would be better for the States' people to depend upon themselves and any day the Congress would reconsider its decision. On behalf of the States' Peoples' Conference, this was combated somewhat vehemently. Mysore had only asked for permission like any British Province to carry on a campaign of civil disobedience. The recent policy of promoting mass contacts was well known and yet the Working Committee's draft took the public by surprise. It was not the committees in the States alone that were banned, there were committees and committees,—some good, some bad, both in the States and in the provinces. The caravan of India must march as a whole. One section cannot leave another behind. Nor could we allow 562 States to remain as so many Ulsters right about us. The Working Committee's advice that separate organisations should be formed in the States, was sure to be counterbalanced and even nullified by the manoeuvres of the interested parties and ere long, they would find the States riddled with a number of communal and sectional organisations. The only salvation for India was the Indian National Congress. It was the one National Body from which all powers spring, the generating spot of all national forces. Unless the virus and the germ of the Congress was introduced into the Indian States we would be only perpetuating communalism in them. In the end, a compromise was reached which did not taboo the formation of Congress Committees in States but substituted the following for the last sentence of Para 5 of the draft resolution.

> " The Congress therefore directs that for the present Congress Committees in the States shall function under the direction and control of the Working Committee and shall not engage in any parliamentary activity or direct action in the name of or under the auspices of the Congress. The internal struggle of the States must not be undertaken in the name of the Congress. Subject to this, the organisation must be started and continued where the Congress committees already exist ".

The matter did not end there. In the open session there was an attempt to go back upon the compromise on the initiative of some members unconnected with the States' Peoples' Organisation. But this attempt was firmly put down by the spokesmen of States' People's Conference and the compromise was put through honourably and successfully. From this day forward it must be owned that there was greater harmony and a more or less complete identity of view-points between the States' People's workers as such and the Congress as a whole. An intimate connection was established between the two. Indeed the two trains running on different lines (Railway) met and formed a combined train under the common drive given by Gandhi. He was the one consultant on all States' matters. Was it the Eastern Agency States with their unprecedented repression and abhorrent reactionary methods attended by protests and mass violence ending in the murder of Mr. Bazleghatt, Assistant Agent to the States and the policy of frightfulness following it, resulting in the exodus of 20,000 people into adjoining British Indian area? Or was it the tragedy of Vidura Aswaddha in that highly advanced State of Mysore with its black record of ten men shot dead and twice as many wounded, and the equally severe tragedies of shooting which were not even smoothened by the conventional enquiries into their causation and nature?. Was it the battle royal at Rajkot into which armies of

Satyagrahis marched in serried ranks to offer battle to the Prince and his Durbar over promises broken and pledges unfulfilled? Or was it the Rajputana and Central India States where as in Jaipur, the very formation of a Praja Mandal and the magnificent, social work in Famine relief was seriously objected to? Or was it the Northern Indian States of the Punjab and Kashmir, where Satyagrahis were locked up in prison in hundreds and thousands? It was to Gandhi that all eyes turned. In addition the acceptance of presidentship of Jawaharlal of the All India States' People's Conference at Ludhiana in February 1939 (to anticipate events) established greater intimacy between the politics of the States and the Provinces and gave the quietous once for all (it was hoped) to internal dissatisfaction and dissension.

We have dwelt upon the problem of the States People at greater length than the strict demands of events at Haripura justified, for at Hari pura, really, the affair reached a turning point and the occasion is appropriate for a retrospect and prospect of the issues arising from it.

An equally disturbing subject was that relating to the Kisan agitation in the country. We have in the opening chapters given some inkling into the nature and extent of the complications resulting therefrom. The time came at Haripura to clarify the position and state the attitude of the Congress to the question. The Congress never discountenanced the formation of subsidiary organisations in the country relating to professions and interests. And the Kisan interests covered those vital to three-fours of the population. Indeed the bulk of Congress membership owes its strength to Kisan interest and Kisan initiative. Under the circumstances the Congress had all along fully recognized the right of the Kisans to organise themselves into peasant unions. But it was not enough for the peasants to obtain relief in agrarian matters. There was the larger question of independence of India which must be based on the freedom from exploitation of all our people. To this end, the Kisans owed themselves the duty of not merely organizing themselves but of joining the Congress in larger numbers and organize themselves really to carry on their particular struggle under the Congress banner. Instead of this, the Kisans chose in many places to hoist the red flag and assume an attitude of hostility to the Congress as it were,—not because they disagreed with the objects of the Congress but because the Congress was not sufficiently quick and comprehensive for them. Impelled by this spirit of haste, the Kisans who were also Congressmen lent themselves here and there, to activities which were obviously incompatible with the basic principles of the Congress and helped in creating an atmosphere hostile to Congress principles and policy. When, therefore, the Haripura session of the Congress peremptorily called upon the Provincial Congress Committees to bear the aforesaid facts in mind and in pursuance thereof take suitable action wherever called for, it might be safely inferred that the patience and forbearance of the Congress executive were well-nigh reaching the limits of tolerance.

We have stated that at Haripura, India had to face a many-sided crisis in matter external and internal. The problems abroad were numerous and complicated and their character has already been indicated. The internal problem related to a hitch that arose in the working of the New Act. By the time of the Haripura Session, the new provincial governments had been on the saddle for nearly eight months and in the provinces of Bihar and U. P., conflicts arose as already indicated in the opening paragraphs of the chapter. The origin of these conflicts would be better understood by recalling certain phases of politics before acceptance of office by Congress-

men and these facts have been so clearly set forth in the Congress resolution on the subject that we make no apology for extracting it here *in extenso* :— Here are the two resolutions—On Kisan Sabhas and Ministerial Resignations.

## KISAN SABHAS

"In view of certain difficulties that have arisen in regard to the Kisan Sabhas and other organisations in some parts of India, the Congress desires to clarify the position and state its attitude in regard to them. The Congress has already fully recognised the right of Kisans to organise themselves in peasant unions. Nevertheless it must be remembered that the Congress itself is in the main a Kisan organisation and as its contacts with the masses have increased vast numbers of Kisans have joined it and influenced its policy. The Congress must, and has in fact, stood for these Kisan masses and championed their claims, and has worked for the independence of India which must be based on the freedom from exploitation of all our people. In order to achieve this independence and strengthen the Kisans and realise their demands, it is essential that the Congress be strengthened and that Kisans should be invited to join it in ever larger numbers and organised to carry on their struggle under its banner. It is thus the duty of every Congressman to work for the spread of the Congress organisation in every village in India and not to do anything which weakens this organisation in any way.

While fully recognising the right of the Kisans to organise Kisan Sabhas, the Congress cannot associate itself with any activities which are incompatible with the basic principles of the Congress and will not countenance any of the activities of those Congressmen who as members of the Kisan Sabhas help in creating an atmosphere hostile to Congress principles and policy. The Congress, therefore, calls upon Provincial Congress Committees to bear the above in mind and in pursuance of it take suitable action wherever called for."

## MINISTERIAL RESIGNATIONS IN U. P. AND BIHAR

"In accordance with the direction of the Faizpur Congress, the All India Congress Committee decided in March, 1937 the issue of acceptance of office in provinces and permitted Congressmen to form Ministries, provided certain assurances were given by or on behalf of the British Government. These assurances not being forthcoming, the Leaders of Congress Parties in the Provincial Assemblies declined at first to form Ministries. Thereafter there was a considerable argument for some months regarding these assurances and various declarations were made by the Secretary of State for India, the Viceroy and the Governors of the Provinces. In these declarations it was definitely stated, among other things, that there would be no interference with the day to day administration of provincial affairs by responsible Ministers.

The experience of office by Congress Ministers in the Provinces has shown that at least in two provinces, the United Provinces and Bihar, there has in fact been interference in the day to day administration of provincial affairs as shown hereafter. The Governors, when they invited Congress members to form Minsitries knew that the Congress Manifesto had mentioned the release of political prisoners as one of the major items of the Congress policy. In pursuance thereof the Ministers began the release of

political prisoners and they soon experienced delay, which was sometimes vexatious, before the Governors would endorse the orders of release. The way releases have been repeatedly delayed is evidence of the exemplary patience of Ministers. In the opinion of the Congress, release of prisoners is a matter coming essentially within the purview of day to day administration, which does not admit of protracted discussion with Governors. The function of the Governor is to guide and advise Ministers, and not to interfere with the free exercise of their judgment in the discharge of their day to day duty. It was only when the time came for the Working Committee to give an annual account to the Congress delegates and to the masses of people backing them, that the Committee had to instruct Ministers, who were themselves sure of their ground, to order release of the political prisoners in their charge and to resign if their orders were countermanded. The Congress approves of and endorses the action taken by the Ministers of the United Provinces and Bihar and congratulates them on it.

In the opinion of the Congress, the interference of the Governor General with the deliberate action of the respective Prime Ministers is not merely a violation of the assurance above referred to, but it is also a misapplication of Section 126(5) of the Government of India Act. There was no question of grave menace to peace and tranquillity involved. The Prime Ministers had besides in both cases satisfied themselves from assurances from the prisoners concerned and otherwise of their change of mentality and acceptance of the Congress policy of non-violence. Indeed it is the Governor-General's interference which has undoubtedly created a situation that may easily, in spite of the Congress effort to the contrary, become such a grave menace.

The Congress has, during the short period that Congressmen have held office, given sufficient evidence of their self-sacrifice, administrative capacity and constructive ability in the matter of enacting legislation for the amelioration of economic and social evils. The Congress gladly admits that a measure of co-operation was extended by the Governors to the Ministers. It has been the sincere effort on the part of the Congress to exatrct what is possible from the Act for the public good and to strengthen the people in the pursuit of their goal of complete independence and the ending of imperialistic exploitation of the masses of India.

The Congress does not desire to precipitate a crisis which may involve non-violent non-cooperation and direct action consistent with the Congress policy of truth and non-violence. The Congress is, therefore, at present reluctant to instruct Ministers in other provinces to send in their resignations by way of protest against the Governor-General's action, and invites His Excellency the Governor-General to reconsider his decision so that the Governors may act constitutionally and accept the advice of their Ministers in the matter of the release of the political prisoners.

The Congress regards the formation of irresponsible Ministries as a way of disguising the naked rule of the sword. The formation of such Ministries is calculated to rouse extreme bitterness, internal quarrels and further deepen the resentment against the British Government. When the Congress approved of acceptance of office, with great reluctance and considerable hesitation, it had no misgivings about its own estimate of the real nature of the Government of India Act. The latest action of the Governor-General justifies that estimate and not only exposes the utter inadequacy of the Act to bring real liberty to the people, but also shows the intention of the British Government to use and interpret it not for the expansion of liberty, but for its restriction. Whatever, therefore, may be the ultimate result of the

present crisis, the people of India should realise that there can be no true freedom for the country so long as this Act is not ended and new constitution framed by a Constituent Assembly, elected on the basis of adult franchise, takes its place. The aim of all Congressmen, whether in office or out of office, in legislatures or out of legislatures, can only be to reach that goal even though it may mean, as it often must mean, sacrifice of many a present advantage, however, beneficial and worthy it might be for the time being.

On behalf of the U. P. Governor it has been stated that the demonstrations organised to welcome the Kakori prisoners and the speeches delivered by some of them had interfered with the policy of gradual release of political prisoners. The Congress has always discouraged unseemly demonstrations and other objectionable activities. The demonstrations and speeches referred to by the U. P. Governor were strongly disapproved by Mahatma Gandhi. Pandit Jawaharlal Nehru, President of the Congress, had similarly taken immediate notice of the indiscipline which was thus betrayed. Nor were they ignored by the Ministers. As a result of these corrective steps public opinion rapidly changed and even the persons concerned came to realise their mistake. And when six prisoners, one of whom was a prominent member of the Kakori group, were released subsequently, about two months after the release of the Kakori prisoners, no demonstrations were held in their honour nor any reception was accorded to them. Nearly four more months have since elapsed and any delay in releasing the remaining fifteen prisoners only on account of the demonstrations or the speeches connected with the prisoners who were released in August, is now utterly unjustified. The responsibility for the maintenance of law and order is that of the Ministers and they are entitled to perform their functions in such manner as they deem proper. It is their business to weigh all relevant factors in the light of prevailing circumstances, but their decisions once taken ought to be accepted and enforced. Any interference with them in the exercise of their powers in the normal day to day administration is bound to undermine and weaken their position. The Congress Ministers have more than once declared their determination to take adequate action in the matter of violent crime, and the risk run in releasing prisoners especially when they have abjured the path of violence, is altogether imaginary.

The Congress has given during the past few months ample evidence of its desire to take severe notice of indiscipline and breach of the code of non-violence that the Congress has laid down for itself. Nevertheless the Congress invites the attention of Congressmen to the fact that indiscipline in speech and action, calculated to promote or breed violence, retards the progress of the country towards its cherished goal.

In pursuit of its programme of release of political prisoners, the Congress has not hesitated to sacrifice office and the opportunity or passing ameliorative measures. But the Congress wishes to make it clear that it strongly disapproves of hunger-strikes for release. Hunger-strikes embarrass the Congress in pursuit of its policy of securing release of political prisoners. The Congress, therefore, urges those who are still continuing their hunger-strike in the Punjab to give up their strike, and assures them that whether in provinces where Congressmen hold ministerial offices or in other provinces, Congressmen will continue their efforts to secure the release of detenus and political prisoners by all legitimate and peaceful means.

In view of the situation that has arisen in the country, the Congress authorises the Working Committee to take such action as it may consider

necessary and to take the direction of the All India Congress Committee in dealing with the crisis whenever necessity arises for it."

One other achievement of the Haripura session requires mention. It relates to the Constructive Programme of the Congress and the better organization of National Education so as to link it to the requirements of the nascent nationalism of India. It will be remembered that so early as in 1920 when the programme of Triple boycott was embarked upon, the boycott of schools and colleges recognized by Government or affiliated to the University attained a certain measure of popularity. And the National schools that came into existence in the hurry of controversial and pugnacious politics were not brought together nor systematized on any well studied principles. They were allowed to drift for themselves and with the lifting of the Triple boycott, the emphasis on this aspect of the Constructive Programme became weakened. While Khaddar was organized with a capital of about six lacs of rupees in 1925 (September) as the result of the partition or partnership effected between the pro-changers and no-changers and the formation of the A. I. S. A., while the removal of untouchability received a great impetus by Gandhi's fast unto death in 1932 which resulted in the creation of the All India Harijan Board, while later in 1934, (October) still another auxiliary body was formed under the name of All India Village Industries' Association, the subject of National Education alone remained apparently neglected. But Gandhi had always been saying when his attention was called to the matter that he did not feel that the time had come for the nation to take up the subject. That time came in Haripura for the experiment in handmade industries inaugurated as the result of the Bombay Resolution, demanded a close study by the nation so that they might be made fit subjects for study by the youth of the nation as part of a scheme of national education. The Congress had attached the utmost importance to a proper organisation of mass education since all national progress ultimately depended on the method and contents and objective of the education provided to the people. It was obvious that the existing system with its anti-national and anti-social objectives, its antiquated methods, its limited scopes had failed. And too, the Congress through the ministries formed anew, would have opportunities of service and of influencing and controlling State education. It was, therefore, opportune at Haripura to lay down the basic principles which should guide such education. It was obvious also that the basic education provided should be free and compulsory, covering seven years, being imparted in the mother tongue and centering throughout round-some form of manual and productive work, with all other activities to be developed or training to be given, integrally related as far as possible, to the central handicrafts chosen with due regard to the environment of the child. To this end, an All India Education Board was established with power to frame its own constitution, to raise funds and perform all such acts as may be necessary for the fulfilment of its objects. As events turned out, however, the one resolution that was destined to play a great part in the ensuing years of war and rumours of war for a year before it actually broke out was the one relating to 'Foreign Policy and war danger' in which the Congress at its Haripura session desired to state afresh the policy of the Indian people on the subject. It stated that the people of India desired to live in peace and friendship with their neighbours and with all other countries, and for this purpose wished to remove all causes of conflict between them. Striving for their own freedom and independence as a nation, they desired to respect the freedom of others, and to build up their strength on the basis of international

co-operation and good-will. Such co-operation must be founded on a world order and a free India would gladly associate itself with such an order, and stand for disarmament and collective security. But world co-operation would be impossible of achievement so long as the roots of international conflict remained and one nation dominated over another and imperialism held sway. In order, therefore, to establish world peace on an enduring basis, imperialism and the exploitation of one people by another must end.

During the past few years there had been a rapid and deplorable deterioration in international relations, fascist aggression had increased and an unabashed defiance of international obligations had become the avowed policy of fascist powers. British foreign policy in spite of its evasions and indecisions, had consistently supported the fascist powers in Germany, Spain and the Far East, and must therefore, largely shoulder the responsibility for the progressive deterioration of the world situation. That policy still sought an arrangement with Nazi Germany and had developed closer relations with rebel Spain. It was helping in the drift to imperialist world war.

India could be no party to such an imperialist war and would not permit her man-power and resources to be exploited in the interests of British imperialism. Nor could India join any war without the express consent of her people. The Congress, therefore, entirely disapproved of war preparations being made in India and large-scale manoeuvres and air-raid precautions by which it had been sought to spread an atmosphere of approaching war in India. In the event of an attempt being made to involve India in a war, that would be resisted.

The Planning Committee proved to be an elaborate affa - with a budget of Rs. 50,000 contributed by the Provincial Governments. The Committee had been given six months to finish its labours. But the chairman, Jawaharlal Nehru approached the President for extension of time up to the end of March 1940 as it was impossible for the Committee to finish its labour before that date. The period of the work of the Planning Committee was accordingly extended to 31st March, 1940.

## Haripura and After

### 1938

Of the dangers of an impending war, the Congress had always had a lively sense since the year 1927. Several incidents had occurred in the decade that intervened in between the Madras session when the alarm was first sounded in 1927 and Haripura when almost definitely the war clouds began to lower in the Western skies. What the Congress had in mind was not that it could avert war,—it looked as though the very gods on high would not even think of attempting such an impossible undertaking,—but that it desired to create public opinion against a possible war which would in no wise be a war of India and which for aught the Congress knew might work untold havoc against the interests of India. It was, therefore, necessary for the Congress to be watchful for eternal vigilance is the price of Liberty. Accordingly in view of the critical international situation and the possibilities of crisis which must involve India's interests, a Foreign Affairs Committee was forthwith appointed which would keep itself in touch with the international situation and advise the Working Committee thereon and make clear to the people of the Foreign countries the Congress viewpoint and policy in regard to international affairs as contained in the Haripura Congress

Resolution on the subject. India need not fear foreign wars and military invasions in one sense, for the invasion of British and Foreign commerce was always at hand. The establishment of Provincial autonomy and the citing of Federation gave an added impetus to the rapid increase in the number of companies owned and managed by foreign nationals and describing themselves with designations such as "India Ltd." so as to pass for genuine Indian concerns. It was the clear view of the Congress that such companies would only be the instruments of robbing India of such little advantage or benefit as was expected from the policy of discriminating protection which had been so far pursued by the Government of India for the development of Indian Industries. The commercial safeguards embodied in the New Act only helped to limit the privileges enjoyed in some measure till 1935 and were obviously calculated even as they were intended to preserve to foreign particularly the United Kingdom nationals and capitalists, the exploitation of India's natural wealth and resources. What the Congress objected to was not foreign capital or foreign talent, but their employment apart from the control, direction and management of Indians. Provincial Autonomy suddenly created a new situation in which matters provincial began to be administered by Provincial Ministries in provincial interests. It was not so previously for the Government of India to whom the Governors and the Provincial Governments were responsible, appointed to high posts whom they liked or thought fit. When once provincial autonomy came into being, it was but natural and perhaps even legitimate that each province should seek to give preference to qualified men of the province over even better qualified men of other provinces. But there were certain complications. The Provinces of India have not remained the same all along. Prior to 1905 Bengal, Bihar and Orissa formed one province and the Bengalees who were the most educated and advanced community naturally filled many an important post and settled anywhere in these three areas—which since became different provinces. How then should the Bengalees in Bihar, long settled in the province and answering the rules of Domicile be treated? This was a new issue that arose under Provincial Autonomy.

The subject assumed great importance in the years 1937—38 and roused an acute controversy in which a retired Bengalee Judge of the High Court of Bihar took a leading part. The matter had been thoroughly gone into and the Working Committee finally resolved that the matter be referred to Sri Rajendra Prasad and be dealt with by him in relation to the question of 1. Domicile, 2. Public service, 3. Education and 4. Trade and Commerce. There was necessarily some delay in the delivery of his award by Rajendra Babu and the Working Committee requested the Government in Bihar to cease meanwhile from insisting on Domicile certificate and the formalities incidental thereto pending disposal of the matter. On the report of Rajendra Babu the Working Committee came to the following decision at Bardoli on 11-1-39:

"The Working Committee have considered the report of Babu Rajendra Prasad in regard to the Bengali-Bihari controversy and also various memoranda, including one from Mr. P. R. Das. The Committee wish to express their appreciation of the careful and exhaustive report prepared by Babu Rajendra Prasad and their general agreement with the conclusions arrived at by him. In view of the fact that several of these conclusions are capable of general application, the Committee formulate them hereunder.

1. While the Committee are of opinion that the rich variety of Indian culture and diversity of life in the various parts of the country should be

preserved and cherished, the idea of a common nationality and a common background of our cultural and historical inheritance must always be encouraged, so that India should become a free and strong nation built upon a unity of purpose and aim. Therefore the Committee wish to discourage all separatist tendencies and a narrow provincialism. Nevertheless, the Committee are of opinion that in regard to services and like matters the people of a province have a certain claim which cannot be overlooked.

2. In regard to services the Committee are of opinion that there should be no bar preventing the employment of any Indian, living in any part of the country, from seeking employment in any other part. But certain considerations must govern such employment, apart from the essential condition of merit and efficiency, which is of particular importance in the higher services and in the selection of specialists and experts. These considerations are:

(*i*) A fair representation of various communities in the province.

(*ii*) The encouragement, as far as possible, of backward classes and groups so that they might develop and play their full part in the national life.

(*iii*) A preferential treatment of the people of the province. It is desirable that this preferential treatment should be governed by certain rules and regulations framed by provincial governments in order to prevent individual officers from applying different standards. Further it is desirable that similar rules should be applicable in all provinces.

3. In regard to Bihar no distinction should be made between Biharis properly so-called and the Bengali-speaking residents of the province born or domiciled there. The term Bihari should in fact include both these classes and in the matter of services, as well as other matters, an identical treatment should be given to both. It is permissible to give a certain preference in services to these residents of the province over people from other provinces.

4. The practice of issuing certificates to domiciles should be abolished. Applicants for services should state that they are residents of or domiciled in the province. In all appropriate cases the Government will have the right to satisfy itself about the correctness of the statement before making an appointment.

5. Domicile should be proved by evidence that implies that the applicant has made the province his home. In deciding that he has done so, length of residence, possession of house or other property, and other relevant matters should be taken into consideration and the conclusions arrived at on the totality of the evidence available. However, birth in the province or ten years' continuous residence should be regarded as sufficient proof of domicile.

6. All persons holding appointments under Government should be treated alike and promotions must be based on seniority coupled with efficiency.

7. There should be no prohibition against any one carrying on trade or business in the province. It is desirable that firms and factories, carrying on business in a province, should develop local contacts by giving appointments, whenever possible, to residents of the province. But suggestions made by Provincial Government to firms and factories in the matter of appointment may be misunderstood and therefore should be avoided.

8. When accommodation is limited in educational institutions, places may be reserved for different communities in the province but the reservation should be in a fair proportion. Preference in such educational institutions may be given to people of the province.

9. In Bihar in the areas where Bengali is the spoken language the medium of instruction in primary schools should be Bengali, but in such areas provision should also be made for instruction in Hindustani in the primary schools for those whose mother-tongue is Hindustani, if there is a reasonable number of students speaking Hindustani. Similarly in Hindustani speaking areas, education in primary schools should be given*through the medium of the language of the province, but the State should provide for education through the medium of any other language, where there is a demand for it on the part of the residents of any district where this other language is spoken.

10. The Working Committee earnestly trust that the above conclusions will be accepted and acted upon by all the parties concerned in Bihar and the regrettable controversy in the province will cease.

11. The conclusions should also guide the general policy of other provincial administrations in these matters herein dealt with."

A like affair is the one relating to the disqualifications and disabilities affecting the State subjects in the Province. The All India Marvadi Federation had made a representation to the Congress and the Working Committee expressed it as its opinion that all the disqualifications in the way of Government service and Franchise affecting State subjects in the Provinces should be removed and the Congress Governments were requested to take such step as might be necessary to have this done under Section 262 of the Government of India Act.

Although Provincial Autonomy was clearly defined in respect of its scope and limitations yet there arose in actual administration from time to time points and issues which could not be visualised either by the Government or by the Congress. One such point had centred round the release of a certain class of political prisoners in the Provinces of Bihar and U.P. This point has been discussed at length in the foregoing pages. A new and altogether unexpected situation developed in Orissa when the permanent Governor Sir John Hubback was about to go on leave. The acting appointment was given to one Mr. Dann, a member of the Civil Service who was subordinate to the ministers and as commissioner of excise had interposed certain difficulties in the way of Prohibition in Orissa. His conduct in committee was so impertinent that not only did he go beyond his limitations as a subordinate officer of the ministry but he virtually insulted them by expressing his personal opinions on prohibition. The appointment of such a person was considered highly undesirable and was in contravention of the usual convention prevailing in other countries. It was obviously difficult for ministers to act as ministers to those who had been their subordinates and who might have in fact fallen into disfavour with them. The ministers in Orissa under the circumstances took the only course open to them and lodged their protest against the appointment expressing at the same time their strong disagreement with it and the Congress Working Committee invited the authorities to revise the appointment and incidentally suggested the adoption of the recognised convention elesewhere of appointing Chief Justice as the acting

* In Hindustani, but if there is a reasonable number of Bengali speaking students they sholud be taught in Bengali.

Governor. It is a matter for gratification that the threatened crisis was averted at the last moment by the cancellation of his leave by Sir John Habback under the following notification:—"In view of the unstability of the political situation which he would be bound to leave to his successor, H. E. the Governor of Orissa does not feel justified in proceeding with his original plan and considers that he has in the interests of the province no option but to ask for the cancellation of the leave granted to him. The Secretary of State has acceded to his request with the concurrence of the Governor General."

Responsible Government implied the power of legislature to change the ministries as and when occasions arise and the very first instance of a cabinet crisis arose in Sind, the youngest province of India so early as in March 1938. But in provinces where no single party has a clear majority as the Congress had in six provinces, the formation of new ministry is not half so easy as the deposition of the existing one. Responsibility always brings in its train a certain measure of discontent and it has been rightly observed that for one *doubtful* friend a Premier makes, he makes ten *certain* enemies. But if the Premier is supported by an unshakable majority the antagonisms that follow his decisions and acts, pass over him as so many gusts of wind, only perhaps to refresh him but not to supplant him. When, however, there is no such clear majority behind his back, a number of common foes would make a common cause—since politics finds strange bed-fellows,—successfully and unseat the Minitry. When, therefore, the Sind Ministry was voted down and the Premier had to resign, the formation of an alternative ministry largerly was dependent upon the attitude of friendliness or otherwise that might be adopted by the Congress Party towards the aspirants to office. On this occasion the leader of the Sind Assembly Congress Party was invited by the Governor to explain the Congress attitude towards the crisis. That was unexpected, to be sure, for the strength of the Congress Party was only eight out of the total strength of 60 of whom no party commanded an absolute majority in the Sind Legislative Assembly. It was out of the question that by any combination, the eight Congress members could form a ministry for such a ministry would be only precarious and be based upon uneasy, nay undesirable, alliances with other groups. The Congress, therefore, took the correct attitude that the Congress Party was prepared and was willing to lend support to the new coalition that was being formed to replace the fallen ministry. A point worth noting here is that Khan Bahadur Allah Bux, the leader of the New coalition in a letter to the leader of the Congress Party assured the leader of the Congress Party that if he (Allah Bux) formed a ministry, his policy and programme would be in general accord with those of the Congress. Under the circumstances the Congress Party replied to the effect that while retaining its full freedom to oppose any legislative or administrative action of the New Ministry, they would watch its work for a reasonable time and would not till then initiate or support a move which would defeat the ministry and that thereafter the Congress Party would be free to determine their final policy. Thus was the way paved for the formation of coalition ministry and the events that happened in Sind virtually repeated themselves later in Assam so that in due course there were Congress or coalition ministries virtually in eight provinces out of eleven. The Central Executive and the Parliamentary Board of the Congress were kept in close touch with the developments in various Provinces and the final decisions were mostly taken by the latter and confirmed by the former. The administration of six provinces by Congress Ministries was bound in

the very nature of things to throw up even so many complications arising from the course of events or from the personal equation of the ministers. One such event of melancholy interest occurred in connection with the C.P. Ministry. There a crisis arose in connection with the exercise of clemency by the minister of justice in respect of a high placed prisoner who was convicted of the offence of committing rape. The Minister concerned expressed his regret and offered his resignation while the ministers of C.P. and the Congress Parliamentary Party in the Province were satisfied with the apology the minister had tendered in that, not realising the gravity of the cases he was dealing with he did not share the responsibility of his actions with his colleagues, the Working Committee was anxious to shift the issue more clearly and felt that in order to arrive at a just decision the real question to be considered was whether the minister had committed a grave error of judgment amounting to a miscarriage of justice. If he did then the resignation was the only proper course in the interest of justice, purity of administration and the honour of womanhood. If on the other hand, there is no miscarriage of justice, there was no need for resignation nor possibly for an apology. The matter obviously required close investigation by a competent judicial authority as there was also another case of intended clemency in respect of a "prisoner who had been guilty of insurance fraud." It was well that the appeal to the public by the Working Committee to await their final decision after such investigation by a reputed lawyer was heartily responded to and for months together there was a subdued feeling maintained by the Nation under the stress of a supreme sense of civic and national responsibility. The matter was referred to Sir Manmathanath Mukerji, a retired judge of the Calcutta High Court and when his report was placed before the minister concerned he resigned his ministership and thus while maintaining the good name of the Congress, retrieved his own honour and rose in public estimation for the events that take place in the earlier years of a national Government carried on under very trying conditions would serve as examples or warnings to posterity according as the decisions taken were correct, being conceived in public spirit or otherwise, under a sense of false personal prestige.

**Civil Liberty**

While in combating the scheme of Provincial Autonomy in the eight provinces out of eleven in which Congress was in power or weiled influence, various obstacles were to be faced emanating from the bureaucracy, on the one side, there were equally embarrassing situations created from the other side,—namely, the more ardent spirits of the Congress organization, whose idealism tended still to overshadow their sense of the real. Their touch with the actualities of life sought naturally to pepper the programme of civic liberties in the provinces. The prosecution of a Congressman for sedition under Section 124A in South India sharpened the irritation of some of these younger friends—notably of the socialist group and the Working Committee had early in 1938 to deal with and dispose of a resolution they had given notice of at a meeting of the A.I.C.C. in October 1937. This afforded an opportunity for a full review by the Committee of the situation in the various provinces and the difficulties inherent in the then situation and while recording their approval of the work done by the Congress Ministries, appreciated the further efforts being made to enlarge the bounds of civil liberty and implement the Congress programme. But the supreme point was as the Committee pointed out, to "adhere to the Congress policy of non-violence

and to discourage all incitements to violence." Accordingly, the Committee appealed to Congress Committees and individual Congressmen to help to create an atmosphere of peaceful, disciplined action in the country and to warn erring Congressmen against any tendency which militated against the Congress policy of non-violence. Where necessary, Congress Committees, were required to take disciplinary actions against Congressmen who offended against Congress policy. At the same time, the Congress Ministries were required to guide themselves by the principle of Civil Liberty and the democratic approach by means of persuation rather than by coercive action although when the latter became necessary, it would have to be inevitably taken but 'such coercive action should only be taken,' said the Committee, " where there has been violence or incitement to violence or strife."

Things did not materially improve since the aforesaid resolution was passed in January 1938. The Working Committee had to revert to the subject in September 1938. In the meantime it was further discovered that there were instances of interference with the ordinary administration of the Country's affairs by Congress Committees, seeking to influence officers and other members of the services. The obvious duty of Congress Committees and Congressmen was there, doubtless, of offering mutual co-operation as between themselves and the members of the services in matters of public concern but the former were in no wise to interfere with the due course of administration. On the larger question of Civil Liberty, the situation was tending to deteriorate instead of improving during the previous eight months and the A.I.C.C. felt called upon to record its opinion in the following uncompromising and unequivocal terms :—

" Inasmuch as people including Congressmen have been found in the name of Civil Liberty to advocate murder, arson, looting and class war by violent means and several newspapers are carrying on a campaign of falsehood and violence, calculated to incite the readers to violence and to lead to communal conflicts, the Congress warns the public that Civil Liberty does not cover acts of violence, incitement to violence or promulgation of palpable falsehoods. In spite, therefore, of Congress policy on Civil Liberty remaining unchanged Congress will, consistently with its tradition, support measures that may be undertaken by the Congress Governments for the defence of life and property."

In the range of Provincial Autonomy striking events occurred in different provinces and it would have been a matter for surprise if when a whole nation was growing its way through narrow gullies and dark alleys to freedom, some pitfalls and mishaps had not occurred. The wonder really is that they are so few. A conference of the Premiers was held in May 1938 (12th to 14th). All the seven Premiers attended with some of their colleagues. Naturally the one question that merited and obtained their attention was that of coordination and cooperation amongst the Congress Provinces. In the last analysis India is one and indivisible. The division of subjects into Central and Provincial is a mere convenience, while the distinction between Congress and non-Congress provinces is an unfortunate circumstance which time and better understanding and wider national awakening alone could obliterate. The Premiers' Conference considered the general agrarian policy, Labour and Industrial Reconstruction, Development of Power resources and Power supply, Rural Reconstruction and Education, Revenue sources, Taxation and Finance. The U.P. Government undertook to call a conference of all the provinces to examine possibilities of new sources of revenue for

constructive purposes, and Bombay to call another for Jail Reform. There was no reason why each province should not specialize the study of one particular subject, Madras for instance, the socio-ethical subjects such as Prohibition, Temple entry and Debt relief, Bombay—Labour, U.P. and Bihar—Tenancy Reform and Agrarian problem, Assam which was shortly to join the seven Congress provinces,—mineral resources, Orissa—artistic cottage industries, and C.P.—Industrial and Mineral resources. These are casual suggestions. Madras took up the Zemindari problem, Bombay—Prohibition, U.P.—Jail Reform. Indeed all provinces have in the long run to tackle all problems. Only the special study of Sales Tax by Madras might profit even a non-Congress province like the Punjab. The Premiers' Conference paved the way for the Industrial Planning which was shortly taken up.

### Assam

Congress ministries began with six provinces, Sind became annexed early in 1938. Towards the end of the year, a like crisis arose in Assam where, on a no-confidence motion being about to be moved in the Assembly on September 13, the Premier forestalled it by an announcement on the same day in the Assembly that he had submitted his resignation to the Governor as several colleagues of his had left his party and joined the opposition. Thereupon the leader of the Congress party on being summoned by the Governor undertook to form the Ministry with the full concurrence of the Congress authorities and formed a coalition cabinet,—the second of the kind in India, but one in which, though the ministry was called a coalition ministry, the Premier was the only Congress Minister.

### Andhra Province

The problems of provincial autonomy arose as much from the habits and customs of the people concerned as from the composition of the population in each province. While provinces like U.P. had a homogeneous, monolinguistic population, that of provinces like Madras, Bombay and C.P. were multilinguistic. People of Northern India are as much strangers to the difficulties and even discussions arising from these differences of language in the South as the people of the South are apt to be ignorant of the difficulties in the North arising from differences of religion. However, the Southern Province was facing the trouble of a hundred Andhras in the Legislature not knowing Tamil, Malayalam, Kanarese, an equal number of Tamils correspondingly situated and ten each of the Malayalees and the Kanarese not knowing the other two languages and over a hundred members or half of the Assembly not knowing English. The only remedy to this situation was the separation of the Andhra Province from the rest of the Province and the carving out of a Kanarese province compounded of areas in Madras and Bombay and of a Malayali enclave. Accordingly in July 1938, deputations of Andhra and Kerala Separation and Karnataka Unification deputations waited on the Working Committee who heard them at great length and passed the following resolution :—

> "Having heard the views of the deputations of the Andhra P.C.C., the Andhra Mahasabha, the Karnatak Unification Committee, the Karnatak P.C.C. and the Kerala P.C.C. on the question of the redistribution of provinces in India on a linquistic basis for administrative

purposes, this Committee declares that the resolution of the Madras legislature on linguistic provinces and of the Bombay legislature on the separation of the Karnatak province were passed with the previous sanction of the Parliamentary Sub-Committee and the full approval of this Committee. This Committee desires to assure the people of the area concerned that the solution of this question would be undertaken as a part of the future scheme of the Government of India as soon as the Congress has the power so to do and calls upon the people of these areas to desist from any further agitation in this behalf which may divert attention from the main issue now before the country."

### C. P.

There remains in the domain of Provincial Autonomy the most outstanding event of the year, yea of the first period of Congress Ministries. In C.P. a storm developed. There had been for some time rumblings in the political skies, clouds lowering, thunder and lightning and at last the storm blew. Difference arose between one minister and another. The Chief Minister tendered his resignation to the Governor without the knowledge of his colleagues and brought about a constitutional crisis and was resummoned to form a ministry, all this either without the knowledge of the Working Committee or against their expressed opinions. The matter is so weighty in importance and so delicate in character that those interested in knowing the full details may advantageously study the statement on the subject by the President of the Parliamentary Board which is given in Pages 17 to 29 Bulletin IV—1938, August 16.

Suffice it to say that the Chief Minister resigned and a new leader was appointed by the party though the previous leader was allowed to contest.

### (a) Budget and Military

While the Provincial Governments were assiduously fighting their battles on untrodden ground and with antagonisms springing from unexpected quarters, the old guard was giving battle—may be less effectual but more persevering to the Central Government which continued to be personal and absolute and therefore wholly unresponsive alike to popular opinion and popular appeal. The Budget session of the Central Legislature opened with an adjournment motion from the Congress Party to censure the official policy of mechanisation of the British section of the Indian Army. Five British regiments would be mechanised at the total cost of Rs. 21,500,000 of which British Government would pay no more than Rs. 8,000,000 and the rest, namely, Rs. 13,500,000 would be paid by India. The policy was grossly unfair in that the British units of the Indian army were to be mechanised with Indian money and Indian regiments excluded from it.

Mr. Gadgil's resolution urging association of elected members of the Central Legislature with the Indian army was passed with the addition of the following proviso moved by Shri Asaf Ali: "Provided the functions of the said Committee shall include tendering advice to the Governor-General in Council on such matters as he may refer to the Committee from time to time with particular reference to (1) sending Indian Troops outside India; (2) new proposals involving additional expenditures; and (3) Indianisation of the army.

On February 28th, Finance Member, Sir James Grigg presented the Central Budget. This was to be followed by a general discussion, when the disclosure

of a sinister move on the part of the Administration proved a signal for dramatic scene both in the Central Assembly and the Council of State. When the Legislative Assembly met to take up the general debate on the budget, Shri Bhulabhai Desai, Leader of the Opposition, made a statement in the course of which he made it clear that the Congress Party, Independents, Congress Nationalists and Democrats had agreed to take no part in the general discussion of the budget and as and when demands for grants were moved they proposed without speech to defeat them. This decision, he said, was taken in order to protest against the Government's action in breaking a salutary convention which had been followed ever since the year 1924 of allowing the House to express itself by a direct vote on the policy of the Government under two heads "Defence" and "External Affairs." The Finance Member in his reply said that under the New Act it was mandatory to exclude "Defence" and "External Affairs" from the vote of the Assembly. When Sir James moved the first demand under the head Customs, the Opposition members without moving any cut motion challenged a division. The demand was defeated by 64 votes to 46. A similar fate was shared by other demands moved by the Finance Member. Over 70 items that usually occupy a whole fortnight were thrown out within a day and a half. The rejected demands were, however, restored by the Governor-General. The Assembly answered by throwing out the finance bill. The house rejected by 68 votes to 48 the recommended finance bill also. The Council of State staged a more dramatic protest against this arbitrary curtailment of a cherished right, when all members of the progressive and Congress groups walked out of the chamber, when a general discussion on the budget was initiated.

The practice of retired Government servants taking up appointment with firms with which they had dealings while in Government service was the subject of a cut motion. Shri Bhulabhai Desai argued that the pensions of such Government officers should be forfeited.

### (b) Labour

In the domain of the Central Legislature, there were several matters calling for urgent action by way of preparation. It might be that Central responsibility was not inaugurated as yet, nevertheless it was bound to come into being sooner or later,—sooner rather than later, and the Congress was striving to prepare its house better to receive the Central bridegroom and his party, than it was when the Provincial bridegrooms knocked at its doors in July 1937. Labour is an important branch of administration and although the Provincial Governments had ample powers to deal with the problems incidental thereto, still if a uniform policy should be pursued, the Central Government might in its own day take interest and assimilate the practice prevalent in different provinces. The Bombay Government had already made ready, suitable legislation for the Western Province. But the Labour Committee of the Congress met in May 1938 and the Chief Ministers of certain provinces and their representatives from others attended the deliberations. Bombay and the U.P. had appointed Committees for enquiry into the wages and conditions of workers engaged in the Textile Industry. It was urged that such provincial committees appointed for the purpose of enquiry into conditions of Labour or Trade Union Disputes should be mainly composed of men associated with public life and national movements. It was a matter for rejoicing that the recommendations of the Bombay Textile Inquiry Committee

should have been accepted by the Bombay (Congress) Government and have been generally carried out by the employers in the Bombay Presidency. Bihar too had toed the line with U.P. and Bombay, and the Sugar, Mining, Ginning, Pressing and other organized industries were awaiting investigation. The scope of enquiry was generally to be widened so as to embrace work and wages in shops. Bombay was forging ahead with its legislation embracing within its scope provision of leave with pay during sickness. What was more, the Baroda Government had notified the introduction as from 1st August 1938 of a 9-hour day thus setting an example to other States. The Bombay Government extended its Factory Act to factories employing 10 persons or more, while both Bombay and U.P. had issued orders for the compulsory establishment of creches. The proposals of Bombay to introduce Prohibition in the industrial city of Ahmedabad was as much a Labour Law as a moral reform.

**Industrial Planning.**

So early as in August 1937,—hardly a month after the Congress had formed Ministries in the six provinces, the Working Committee contemplated the formation of an Expert Committee to explore the possibilities of an All India Industrial Plan and to this end as a preliminary step, the President of the Congress was authorized in July 1938 to convene a conference of the Ministers of Industries and called for a report of the existing industries operating in different provinces and the needs and possibilities of new ones. Such a conference was held at Delhi on the 2nd and 3rd October 1938. Its object was to consider urgent and vital problems, the solution of which was necessary to any scheme of national reconstruction and social planning. Such solution would naturally require extensive surveys and collection of data, as well as clearly defined social objective. And too, many of these problems could not be dealt with on a provincial basis effectively as the interests of adjoining provinces are inter-linked. Comprehensive River surveys were necessary for the formulation of a policy to prevent disastrous floods, to utilize the water for purpose of irrigation, to consider the problems of soil erosion, to eradicate malaria and for the development of hydro-electric and other schemes. This involves survey of a whole river valley and large-scale State planning based upon the joint and coordinate action of several provinces. In the Premiers' Conference convened in May 1938 by President Subash Chandra Bose, problems of Industrial Reconstruction, Power Resources and supply as well as the general question of coordination amongst the provinces had come up for consideration and those present favoured the idea of appointing a committee of experts to advise the Congress Ministries on these various problems. At the conference of Industrial Ministers, Subash Babu delivered an instructive inaugural address in which he foresaw the details of national reconstruction in an Independent India, and declared that however much one might improve agriculture scientifically and—greater efficiency in agricultural methods might after all mean side by side with more food and cheaper food, also more unemployment, the real remedies to poverty and unemployment, the real guarantee to better clothing, better housing, better education and greater leisure lay not in mere Industrial recovery, but in Industrialization. Industrial revolution may be an evil, but it is a necessary evil, the ills of which it was up to us to mitigate but the march of the Revolution itself must be a forced one like in Russia—not gradual as in Britain. To Subash Babu there was no conflict between

cottage industries and large-scale industries, but the nation must reconcile itself to industrial revolution on the one hand and determine which industries should be developed on a cottage basis and which on a large-scale basis. He succinctly laid down the principles of national planning which consisted in

(1) aiming at National autonomy in our principal needs,
(2) development of power supply-metal production, machines and tools manufacture, essential chemicals, transport and communication industries, etc.,
(3) Tackling the problem of Technical education and technical research,
(4) a permanent national research council,
(5) Economic survey of the present Industrial position.

From these principles would arise the following problems :—

(1) A proper economic survey of each province,
(2) Co-ordination between cottage industries and large-scale industries with a view to prevent overlapping,
(3) The advisability of having a regional distribution of Industries,
(4) Technical training of students in India and abroad,
(5) Provisions for Technical Research, and
(6) A Committee of experts to advise on the problems of Industrialisation.

The personnel of the Planning Committee was soon announced and Jawaharlal Nehru who was just then in England was appointed its Chairman. If we may anticipate the arduous labours of the Committee with its 27 sub-committees which extended over the years 1938-39 and 40, until the Civil Disobedience Movement began in November 1940, it must be said that laborious and patient work was done by some of the best scholars and savants of India, administrators and technicians and the deliberations of the Commitees run into volume, which deserve and would amply repay perusal. It may be mentioned that Mr. J. C. Kumarappa resigned from the Cottage industries owing to differences of opinion.

### (c) States

Amongst the different problems of all-India interest which vitally concerned the Congress, that relating to the States, had worked its way to the foremost place, and as time advanced, as Provincial Autonomy was making itself felt month after month in province after province, the political consciousness of the States not only became marked but created situations ere long which came up constantly of course by voluntary choice, before Gandhi and the Working Committee. We have already seen how in the South, the States of Travancore and Mysore figure prominently in current history. Hyderabad joined the order betimes. The repressive policy pursued in Travancore became the subject of wide comment in India, and vital concern to the All India Congress Committee when it met in Delhi in September 1938. There was an acrimonious controversy between the Travancore State and the State Congress as to the character of the latter's objective. The demand for responsible Government under the aegis of the State was unexceptionable and a suitable committee might be appointed to explore the possibility of granting it. An equiry by a jurist outside the State of unimpeachable impartiality into the 'recent' happenings including the charges made by the State of provocations justifying State measures including firing on unarmed people resulting in deaths and injuries. That was the demand put forth by the A.I.C.C. in Delhi together with 'amnesty to the prisoners.'

While Travancore was going ahead, Hyderabad issued ordinances which appeared to give the State power altogether in excess of requirements and severe repression was going on in the Eastern Agency States of Talcher and Dhankanal as well as in the North in Kashmir and Sahawal.

But the State that figured largely in the public eyes and suffered largely in the public estimate was Mysore. This State had made a good reputation for the conformity of its standards and systems of administration to those of the British Indian provinces, on account of the forty years' interval in which it had been directly under British administration, began to live on that reputation and presently as is inevitable with all that live on the accumulated assets in the past, began to lose credit in the political market. Oral warnings and prohibitory orders in regard to the 'Independence Day' and in regard to what was called compendiously though mystifyingly 'subversive activities,' demand of securities from individuals, restraint orders—these were the order of the day. The firing on unarmed crowds at Viduraswaddha after the conclusion of a local Temple celebration in 1938 came as the crowning point and the culmination of a policy of repression that could not tolerate with any spirit of forbearance, the rapidly growing spirit of patriotism and national consciousness sedulously and unerringly cultivated on the principles of Truth and Non-violence. One relieving feature was the appointment of an enquiry committee which condemned the conduct of the officials, but virtually justified the firing at Viduraswatham in April, 1938. It was only just then that Gandhi had sent two members of the Working Committee,—Sree Vallabhbhai J. Patel and Sri Kripalani. The importance of the subject demands a closer study which can be best made from the authoritative publication of the Congress on it, which we extract below :—

> "An order was issued under Section 144 by the District Magistrate banning the hoisting of national flag, prohibiting holding of meetings and making speeches. The order was defied by residents of the Viduraswatham village in Kolar district (about 50 miles from Bangalore) when they assembled at a public meeting estimated at 10,000. The gathering was declared an unlawful assembly by the District Magistrate and ordered to disperse. The meeting not having dispersed, the police opened fire which resulted, as is alleged, in 32 persons killed and 48 seriously injured. The official account of the casualties varied, the estimate being between ten to twelve killed and some injured. The news of this indiscriminate firing sent a thrill of horror through the whole country. The Working Committee of the Mysore State Congress passed a resolution condemning the indiscriminate firing and giving liberty to Congressmen to disobey prohibitory order in order to vindicate fundamental rights and maintain their self-respect. The Mysore Government issued a Communique giving official version of the facts surrounding the tragedy. It justified firing as a measure of self-defence against mob violence. It however appointed an inquiry committee of three judges. The Mysore State Congress also appointed a Committee of inquiry. Mahatma Gandhi in the course of a press-statement made an appeal to the Mysore Government to read the symptoms of popular awakening in Mysore and divest itself of its autocracy.
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> "To study the situation at close quarters and also if possible to bring about a settlement between the Mysore Congress and the Mysore Government Shri Vallabhbhai Patel and Shri J. B. Kripalani proceeded to Bangalore. They had several consultations with the leaders of the

Mysore Congress and also interviews with the Diwan Sir Mirza Ismail. As a result of these a compromise formula was evolved the terms of which are as stated below. The terms of settlement comprise all the demands made by the State Congress at their conference held at Shivapura shortly before.

"(1) Recognition of Mysore Congress; (2) declaration by the Mysore Government that it is open to the Reforms Committee to discuss and recommend responsible Government for Mysore State; (3) four Congressmen who resigned from the Reforms Committee to be renominated with three additional Congressmen to be selected by the State Congress; (4) the Satyagraha to be called off by the State Congress; (5) general amnesty to political prisoners and withdrawal of all repressive orders; and (6) the Flag dispute to be settled on the lines suggested by Mahatma Gandhi, namely, that the Congress flag should be flown along with the State flag on all ceremonial occasions. But at purely party functions of the Congress only the National flag is to be flown.

"On May 17 the Government of Mysore passed orders declaring their policy in regard to recognition of the Mysore State Congress, and cognate matters. The order accorded recognition to the Congress party in the State; accepted the addition of three new members selected by the Congress party to the Constitutional Committee; accepted Gandhiji's compromise formula on the flag issue and provided assurances regarding the release of political prisoners and the withdrawal of prohibitory orders. These acts, Government hope, "will mark the inauguration of a new era of progress and prosperity in the States."

The settlement was of course the result of talks over different matters with the State authorities and the prisoners in Jails and the Working Committee approved of the settlement effected by the Sardar and the Acharya as between the State and the Mysore Congress. In furtherance of such a settlement, the Mysore Government themselves issued a *communique* and the Working Committee congratulated in June 1938, the Maharaja and his advisers on the prompt manner in which they were carrying out the settlement. One of the items of dispute in Mysore centred round the question of the National Flag and both sides were advised to take care to see that no disrespect was implied by anything done either to the State Flag or the National Flag. The final status of the National Flag, it was pointed out, would depend not upon the ability to exercise compulsion but upon the correct conduct of Congressmen and the progressive record of service that the Congress established in the country. The National Flag is a symbol of non-violence and national unity to be brought about by means strictly truthful and non-violent. On the larger question of States as such, it was clearly declared that though there was a growing party amongst Congressmen who sought the total abolition of States as a relic of the middle ages, the policy of the Congress as a whole had till then been and remained as one of friendliness to the States in the hope that they would recognize the signs of the times and establish responsible Government within their borders and otherwise extend and guard the liberty of the people under their jurisdictions.

Though India has been a subject country, yet the Indian National Congress has uniformly and consistently recognized its international position which today may not be politically of the desired status, but which it is up to the country and the Congress to elevate to its deserved level from the larger point of view of humanity. Here is her neighbour, China passing for

over four years through the agony of internal troubles and external threats and to which we owed the obligations that flow from the sense and sympathies of neighbourliness—apart from those associated with the common citizenship of an oriental continent. It was, therefore, decided to send a motor-ambulance unit with necessary doctors and nurses to the Chinese National Government. This was as it should be for ever since Japanese aggression in China began in 1937, the Congress had repeatedly expressed its sympathy for the Chinese in their struggle for freedom and peace and pro-Chinese demonstrations were held all over the country. A sum of Rs. 8,000 was collected but monetary relief would not be as good a demonstration of India's solidarity with the Chinese as an ambulance unit with a contingent of Indian doctors. Dr. M. Atal was placed in charge of it. He won golden opinions all round by his affability and devotion and after two years' arduous work, returned to India late in 1940, leaving the noble task undertaken on behalf of India into the hands of his colleagues. One member of the party, Dr. Kotnis died in China. Over in Zanzibar conditions improved. The boycott in India of the cloves of the colony which was made ever so tight till the middle of the year (June 1938) told in the end and an agreement was reached between the Indian community and the Zanzibar Government, subject to confirmation by the Indian National Congress. The provisional agreement arrived at on May 4, was on the one hand approved by the Colonial Government and on the other in due course by the Indian National Congress. Meanwhile Sirdar Vallabhbhai J. Patel, the President of the clove boycott committee issued the following statement:—

"The Colonial Office of England having approved the agreement in regard to clove dispute between the Zanzibar Government and the Indian community in Zanzibar, the agreement has now become an accomplished fact. The Working Committee of the Indian National Congress has already given its approval to the said agreement and, therefore, all the conditions for lifting the boycott on cloves now stand completely fulfilled. I, therefore, declare on behalf of the Clove Boycott Committee that the boycott is now formally lifted and the dealers are now free to resume dealings in cloves both of Zanzibar and Madagaskar.

"I take this opportunity of drawing the attention of the public to a very signifying appeal made by the Working Committee in its resolution on the subject of the Zanzibar Agreement. The Committee trust that the general public, particularly the retailers, will patronize those firms that have loyally adhered to the boycott in preference to those who have not. I am confident that the public of India will respond to this appeal in a full measure.

"On behalf of the Clove Boycott Committee, I congratulate the Indian community in Zanzibar, the Indian public in this country and particularly the clove merchants of Bombay and other places on the sacrifices they had to make and the success they have been able to achieve as a result of those sacrifices. I must also thank the volunteers of the B. P. C. C. who, unmindful of the hardships that they had to suffer kept the boycott in tact in the city of Bombay by carrying on effective and successful picketing for over six weeks. With the lifting of the boycott, picketing also is hereby withdrawn. This does not, however, mean that the defaulters will be allowed to go scot-free. Some of the defaulters have already been dealt with and others have been notified to make proper amends for their mistakes. Defaulters who fail to

make adequate amends as suggested by the Committee will have to be severely dealt with.

" In the end, I heartily congratulate the Indian nation on the happy termination of a prolonged dispute in Zanzibar. The Indians overseas may now feel assured that the Indian National Congress can protect the interests by a united action in this country."

In the autumn of 1938, if an autumn exists in the Indian seasons, the war clouds once again began to gather. At first they were no bigger than a man's hand and soon they darkened the skies and over-shadowed the earth. Some blamed the Premier of England for not allowing them to burst and pour forth their vials of wrath, others blessed the name of the septuagenarian for having wisely averted a crisis with no stronger a weapon than his umbrella. Events culminating the Munich pact which was signed towards the end of September, kept the Working Committee of the Congress busy from day to day intense expectation of vital decisions and a virulent outbreak of war. They were kept well-informed of the happenings in Britain and Germany and the political and military situation as it was developing from week to week by Jawaharlal Nehru who had left India for Europe on June 2 and after meeting Indian merchants at Massawa, Nahas Pasha and other Wafdist leaders at Alexandria whom by the way he invited to India and the next session of the Indian National Congress, went straight to Barcelona (Spain) and made a close study of the Spanish situation. He was eye witness to the pitiless bombing from the air during the time. He next visited Paris where he made a broadcast speech in which he expounded the ideals of the Indian national movement, pleading for French sympathy and goodwill. Later he had a strenuous programme in England. It need hardly be mentioned that his engagements in England were varied. He could in one glance witness the struggles going on in China, India and other parts of the world and speaking from the plinth of Nelson's column in Trafalgar Square and dressed in Khaddar, he addressed a mass demonstration in connection with the Second Anniversary of the War in Spain :—

" Fascism is new to you," he said, " but we have been experiencing it for the past 150 years and so we know what Spain and China are going through. We support them and draw the lesson from them and we shall not compromise with British Imperialism which stands for naked domination and not suppression of Fascism in India."

He also made a moving speech at the International Conference against the bombardment of open towns, held in Paris in July (1938). It is interesting to note that when the Working Committee discussed the war situation in September (1938) in Delhi, Gandhi made it clear that if they wanted to exploit the situation for political advancement of India, he would not be able to help them or lead the movement and they would have to look up another leader. That was significant as is amply evidenced by the later developments when war actually broke out a year afterwards.

A passing reference to Burma would not be out of place in this connection in that Burma no longer formed part of India and the vast Indian population in Burma must be counted as Indians abroad. Deplorable and sanguinary riots broke out in Burma in 1938 resulting in heavy loss of life and serious injuries and destruction of property. Arson was in evidence along with bloodshed. The Congress from this distance could do no more than ask for a thorough and impartial enquiry into causes of the riots and the measure of the damage done to life, limb and property. Restoration of places of

workshop demolished and adequate compensation to sufferers not found guilty was the minimum the Congress could ask for. It was not as if the Indians were strangers in Burma for they had long settled in and contributed to Burma's prosperity and the Congress exhorted the people of Burma and the India alike to maintain the tradition of friendship and rely upon ability and justice in all dealings. Through all these months and years, there was running an under current of communal disharmony to which references have been made from time to time. Though the proper way of dealing with the subject would be to devote a chapter to it and trace its development historically as well as psychologically still in the chronicles of the Congress, the story of 1938 would be incomplete if this chapter did not refer to the correspondence that had passed between Jawaharlal and Jinnah. This was sharp in character and infructuous in result. An extraordinary and regrettable event, however, was that when in the course of his presidential tours, Subash Babu visited the Chittagong Division (East Bengal) a crowd of Muslim Leaguers, losing all restraint and decency started throwing brickbats at the President's procession. Luckily the President received only some minor injuries as also fourteen others who were with him. The President at once issued statements pleading for patience and self-control and love as the only remedies with which to counteract fury, hooliganism and hatred.

"Then only shall we be able," said Subash Babu, "to prove ourselves faithful to our creed of Truth and Non-violence."

Mr. Jinnah did not choose to abate one jot or little from the proposition he had taken up. His letter dated 9th October 1938 from Karachi was not therefore considered helpful by the Working Committee of the Congress when it met in December and the President accordingly informed him on December 16th, 1938 that the Working Committee did not find it possible to agree with the Council of the Muslim League as to the basis of negotiations, nothing further in that direction was possible.

## CHAPTER V

### Tripuri-March 1939

The cycle of time, it is said, brings its own rewards and revenges. The stroke of fortune that brings the reward may only alternate with the decree of fate that calls for the revenge. Life itself is perhaps a varying blend of these both. In 1938, we escaped war, could we escape it in 1939? The year 1938 was a well-filled year full of the new-born energies of ministers in the Provinces of India, full of determination to prevent the imposition of Federation, full of experiments, social, economic and ethical, calculated to ameliorate the condition of the poor and the backward communities of India. And too, the year was full of hopes and fears of developments abroad. The joy of an aborted war was albeit constantly generating the danger of a renewed outbreak of hostilities which were only subdued for the moment, but not suppressed altogether. It is the attribute of Nature that within the grilling heat of summer lies embosomed the rain that falls from the heavens and fertilizes the spacious earth below. The Congress had spent a year and has always felt at the year end the same emotion and excitement as the *Karshak* feels when the monsoon is about to burst. The gales of wind that presage the outbreak fill the millions of expectant hearts with a new exultation and serve to supply the stimuli for augmented effort. The clouds lower, the winds blow, the sky darkens, the showers begin and while in one year the earth is swept by floods, another year the drought that has parched up the fields is hardly relieved. In between, the years that witness normal weather are few indeed. Even so are the years of the Congress. At the year end there is all the excitement and commotion of him who tills the soil and ploughs the field, who waters the land and sows the seed, who transplants and weeds, who reaps the corn and binds the sheaf. At the year end the Congressmen are agitated over the coming elections. Who is to preside? Have the nominations been published? Will there be a contest and a poll or have the elders of the nation fixed up a leader? Should "Subash" not have a second chance when "Jawahar" had presided once, twice and thrice?

That was not all. Internal commotions were sufficiently perturbing, but the atmosphere within and without the country was charged with currents of electricity of augmented voltage. The British policy culminating in the Munich Pact had not commended itself to the Congress. The Munich Pact itself had to be studied along with the Anglo-Italian agreement and the recognition of rebel Spain all of which implied and embodied a betrayal of democracy, repeated breaches of pledges and the ending once for all of the principles as well as the system of collective security and co-operation with Governments which are avowed enemies of Democracy and Freedom. Accordingly, the world was being reduced to a state of international anarchy and in the name of peace, stupendous war preparations were being made for another and a greater war which might prove even more terrible than its predecessor. The organized terrorism against the Jewish race and the continuous aerial bombing of cities and civilians and refugees showed the low depths to which International morality was sinking. In Palestine, a reign of terror maintained by the British army and the policy in the name of law and order was being witnessed. China was heroically continuing her

struggle against the ruthless and inhuman Imperialism of the Orient. In the countries within the so-called British Commonwealth of Nations itself, the Indian Nationals were facing a struggle for the assertion of their legitimate rights political, civil and economic. The danger to life and property of Indians in Burma, the hostile attitude towards Indians in Ceylon, the reservation of Kenya High lands to the Europeans to the exclusion of Indians and the attempt to segregate and pass unjust laws against Indians in South Africa were the points at issue in the struggle of Indian Nationals abroad.

Nor were the internal affairs of India reassuring in any way. The struggle in the States became intensified owing to the attempts of some Durbars to suppress the popular movements by banning peaceful and legitimate organizations and all political activity, and in some cases, resorting to cruel and inhuman repression. Some States actually sought the aid of the British Government in India to suppress their own people. Affairs reached such a pass that an indefinite fast was undertaken by Gandhi in the first week of March 1939—on the eve of the Tripuri session in order to remedy the breach by the Thakore Saheb of Rajkot of the settlement arrived at between him and his Councellors on the one hand and Sardar Vallabhbhai J. Patel as representing the people on the other. Two circumstances of major importance happened to create confusion as well as distress not only in the Congress atmosphere on the eve of Tripuri, but in the whole of India,—possibly in the wider world. The first related to the election of the President of the year and the other to Gandhi's fast over Rajkot. Usually the election of the President of the Congress was a humdrum affair. Prior to the changes in the constitution adopted in Bombay, October 1934, there used to be the system of inviting nominations by Provincial Congress Committees and later election by them of one from among the nominees. The former was a preliminary step and the latter the final step. Only once in 1907, when the Congress met at Surat there was a controversy as to who should be the President,—Lala Lajpat Rai or Babu Rash Behari Ghosh. Twenty-two years later, Gandhi created a situation by refusing to accept the Presidentship of the Lahore session (1929) and the All India Congress Committee was invited to make an alternative choice at its meeting in Lucknow. Not since was there any real contest. All too unexpectedly the Presidentship of Tripuri session became a storm centre. Subash Babu was one of the silent Presidents of the Congress. The occasions on which he spoke at meetings of the Working Committee during a whole year of his first Presidentship could be counted on one's fingers. His ill-health dogged him and increased the strain on his body. But his mind was indefatigable, his energy unlimited. He toured several provinces and it will be remembered how on his way to Delhi in a plane, in September 1938 to attend the meeting of the All India Congress Committee, he took ill and had to break journey at Cawnpore before he joined the deliberations in the middle. The patience he exhibited at Delhi came as a surprise to many. Over the question of Dr. Khare in C.P., he had produced a brochure which was remarkable as much for the vigour of language as for the summation of facts and presentation of arguments. While he might have had his own opinions on several matters, he did not choose to parade them or project them into discussions and appeared to be singularly free from a desire to take sides. Not that there were no differences between him and other leaders over one matter or other, but that the differences such as there were did not create situations much less even scenes. It was all smooth sailing. Only at the end of September 1938, was it known that he was entertaining a desire to be the President of the

Congress at Tripuri. He had inaugurated large undertakings,—notably national planning, although of his own accord he had offered the Chairmanship of the Committee to Jawaharlal. The desire, however, to continue to be President of the Congress in succession over two sessions need not be motivated by any particular reason, If Jawaharlal had presided thrice, that was because his father, Motilalji desired it at all costs in 1929, the nation desired it at Lucknow in 1936, on his bereavement, and Gandhi desired it at Faizpur eight months later. Few people, none in fact could charge Jawahar himself with the entertainment of the desire. The question, therefore, resolved itself into one of Gandhi's approval virtually. It is well-known that it was his initiative that had placed Subash Babu on the *gadi* at Haripura. The question becomes a delicate one at this stage to discuss. Still the fact remained that the overriding necessities of the National demand and its fulfilment by Britain would dictate that the nation's unanimous choice should fall upon a Muslim of outstanding position. In Maulana Abul Kalam Azad, the nation had one such. He had presided once in 1923, but it was over a special session of the Congress held in September, while the annual session was to meet in December at Cocanada. Gandhi instinctively felt that Maulana's Presidentship at Tripuri might ease the communal situation and help to solve the Communal problem. That was why he did not encourage Subash Babu's candidature. In spite of that his nomination was filed by friends and he agreed to stand for the election. Maulana's candidature was duly announced and when the Working Committee concluded its sitting at Bardoli in the middle of January 1938, it was understood that the Maulana's election was a foregone conclusion and would be uneventful.

The writer was informed by Gandhi as he was departing from Bardoli that it was his (Gandhi's) intention to place the crown of thorns that year on his (writer's) head if the Maulana had not agreed. But fortunately, he had agreed the previous morning and left for Bombay. The next day, however, the Maulana revised his opinion in Bombay and decided to withdraw. By that time, it seems three nominations were announced in the Press. Subash Babu's, the Maulana's and the writer's, the last without his knowledge and therefore was forthwith withdrawn in Bombay. Shortly after, however, it had to be restored at the Maulana's instance as he had decided to withdraw himself and then hastening from Bombay to Bardoli announced his own withdrawal. This left the writer and Subash Babu in the field. The contest was unintended and unexpected at least on the part of one of them. Why did the Maulana withdraw? The Maulana alone knows and Gandhi might know. Any way there is the fact that he is a permanent resident of Calcutta and belongs to the Bengal Province. A contest with another Bengali would make it inelegant and even distasteful from more than one point of view. Again the Maulana felt that considering the tension of the times from the communal standpoint, he could render better services to the nation as other than the Chief of the Executive, than as the President of Congress. Accordingly, the Maulana was out of the picture and the contest whose reality came out only as the ballot day approached ended in the success of Subash Babu over his rival by a majority of about 95 votes. The reactions to the result must naturally have been intense jubilation on the one side and a certain surprise on the other. Subash Babu's election manifesto had placed his own candidature on the high pedestal of a principle not merely a personality.

As against this there was the commendation of the "rival's" candidature by nearly a half of the members of the Working Committee and his own manifesto.

The contest and its result, therefore, threatened to assume the role of a conflict of principles and policies rather than personalities and on the morrow of the result Gandhi came out with the historic statement that the defeat of Subash's 'rival' was his own defeat. This created consternation in the country. There was a searching of hearts, a revolution of positions. Those who had voted for Subash Babu came out with a fresh voting of confidence in Gandhi and Gandhi's leadership. That created an awkward situation to be sure. The original presidential voting took place on the 29th January, 1939. Within a week it looked as though the tables were turned. What was really embarrassing was the reversal of party majorities. The Delegates to the Congress had doubtless plumped for their candidate but the subsequent crossing of the floor by an appreciable number amongst them and their unchanging support for Gandhi in the All India Congress Committee which of course could never be shaken, created a situation altogether unenviable for the newly elected President who was returned by a majority by the delegates but was in a minority in the Congress Executive —the A.I.C.C. How was he to form his Executive? Would the A.I.C.C. accept his list for the Working Committee? Would his own propositions be passed by the Congress? Would the decisions of Jalpaigiri* have a chance of facing the open session at Tripuri? What should the President-elect do at the preliminary meeting of the Working Committee usually held before the Congress session,—a Working Committee which stood four square against the six months' notice to the British Empire and Mass Disobedience and so on. Unfortunately all these anxieties must have weighed upon Subash Babu's health which had been all along been delicate. The President-elect could not on account of high fever, go over to Wardha to attend the meeting of the Working Committee held on 9th February, 1939 for the purpose of preparing the draft resolutions for the open session. Thirteen members of the Working Committee resigned their positions leaving the President and Sri Sarat Chandra Bose alone on its personnel.

Subash Babu showed no improvement in health since his illness continued into the open session. All the five or six days of the session he was down with temperature which rose to 104° and 105° on occasions particularly on the second day of the session. The illness came as an unfortunate complication in the politics of the time.

While the preparations of the Congress were progressing in the midst of fear and trepidation arising from various causes, events were taking place in other centres of equal or even greater importance to the destiny of India. It will be remembered that when the A.I.C.C. had met at Delhi in the previous September (1938), feelings had run high and a walk-out was staged at the open meeting led by Shree Narendra Deo of U.P. who had been a member of the Working Committee from April 1936 to March 1938, over the question of Kisans. The problem of the States had perturbed the house. Indeed the Kisans and the States' Peoples' problems used to sail together. But since the union of hearts that took place at Haripura, there was a greater sense of confidence amongst the States' Peoples in the Congress and the Congress itself responded whole-heartedly to the calls for advice of the States' People.

* At Jalpaigiri the Bengal Delegates met and passed resolutions asking that 6 months' notice should be given to Britain and Mass Disobedience should be embarked upon.

The 'recent' success of the Vallabhbhai-Kripalani mission to Mysore served to reassure the people of the States and strengthened the convictions of Congressmen themselves so much so that there was a serious proposal to make the States an integral part of Congress work. In furtherance of that policy, the Working Committee felt that the time had come when Congress could offer definite help to the States in the solution of the problems common to all-India. Experience had shown recently that States had gratefully accepted the offer of assistance by Sardar Patel. In order to regularize the practice that had been set up by force of circumstances, a sub-committee of the Working Committee was intended to be appointed to offer advice and help within defined limits to the heads and the people of the States in the solution of the problems that faced them in common with the rest of India. It was even hoped that the Princes and their advisers would appreciate the formation of the Committee and avail themselves freely of the help tendered. But for one reason or another, the sub-committee was not appointed. The attitude of high-placed men in the Congress, however, tangibly changed and the Rajkot affair was the direct offshoot of the manuring of the plant of the States' Peoples' awakening.

Rajkot is not a big state, nor even the biggest of the three hundred and sixty states of Kathiawar, Bhawanagar, Porbunder and Limbdi, Jhabua, Gondal, Nawanagar—all these are much bigger states, but Rajkot is the State which constitutes the capital—so to put it—of the Western India States because the Agent General made it his head-quarters. And too, Rajkot is a name intimately associated with the name and youthful days of Gandhi for his father had for years been the Dewan of this State. When the Prince of Rajkot whom a cruel destiny placed at the storm centre in the combat with the world's greatest man of the day, was married, it was Sreemati Kasturibai Gandhi that placed the *Kumkum* on his forehead at the time of the betrothal. That Rajkot should be the first State to take a decision in the direction of Constitutional Reform—was but to be expected. The States' Peoples' organization had been working up some of the leading States in 1938. And as usual popular struggles for Reform met with repression here as elsewhere. There was an intensive campaign of Satyagraha which met with an equally intensive and stubborn resistance at the hands of Veerawala,—the trusted Dewan of Rajkot. A stage soon arrived towards the year end 1938, when Congressmen felt encouraged by the greater latitude of the resolution on the States passed both at Haripura (1938 Feb.) and Delhi (Sept. 1938) for at Delhi "the A.I.C.C. reiterated its policy, doubtless of non-interference but consistently with its resources," it also reiterated its policy "to help the people in every way open to the Congress." "The policy of non-interference" it said "is only an admission of the limitations of the Congress." Congress Committees could not commit themselves to any campaign as organizations. It was open to individuals, however, to render all possible assistance. Accordingly batches of Satyagrahis rallied out to combat the intransigence of Rajkot.

But conditions grew progressively worse.

"The struggle in Rajkot, soon assumed an epic character.

The struggle attracted widespread attention throughout the whole of British as well as Indian India. It is, as elsewhere, a struggle between irresponsible autocracy buttressed by British authority on the one hand and the forces of progress and popular awakening on the other. Its outcome bids fair to have a decisive influence on the course of events not merely in Rajkot but in all other States. The struggle has a pronounced economic aspect.

The State holds monopolies for many articles of daily use such as matches, grain, etc., which press heavily on the poor people.

Lathi charges, arrests, banning of meetings and processions are the usual weapons used for suppressing the popular movement. Half a dozen British Indian, Gujarati journals had been banned entry into the State. Batches of volunteers sent from Bombay were arrested immediately on their arrival in the State. Shri Balvantrai Mehta, the General Secretary of the All-India States' Peoples' Conference, was among those arrested. Miss Maniben Patel, daughter of Sardar Vallabhbhai Patel, who participated in the struggle, to help her sisters in Rajkot had been arrested. Srimati Mridula Sarabhai who through her mother belonged to Rajkot took Sri Maniben Patel's place in the struggle. She too was clapped in Jail.

As though to prove the growing strength of the popular movement the State administration issued a *communique* declaring the Rajkot Praja Parishad unlawful. With the issuing of this notification the struggle entered upon a more intensive and a more critical phase. At the same time Gandhi had doubts about the wisdom of embroiling the non-States people with this movement of Civil Disobedience. The matter arrested the attention of the Working Committee and while it welcomed the movements in the States for the attainment of responsible Government, they advised the people, not belonging to the States concerned against taking part in Civil Disobedience and the like. "Participation by such people," said the Working Committee "will bring no real strength to the movement, and may even embarrass the people of the States concerned and prevent them from developing a mass movement on which strength and success depend."

Within a few days of the promulgation of the aforesaid *communique* came a call from the Thakore Sahib of Rajkot to Sri Vallabhbhai Patel in Bombay for an interview. On December 26th was announced an agreement between Sardar Patel and the Thakur Sahib which brought to a successful end the brave struggle of the people of Rajkot. It was a triumph not only for them but for the people of the States in general. Once again the non-violent method of struggle for the redress of political wrongs was vindicated. The agreement arrived at after a prolonged discussion of eight hours between the Thakore Sahib and Sri Vallabhbhai is as follows :—

After having observed the growth of popular feeling and the regrettable sufferings of our people during the last few months, for the redress of what they have considered to be their grievances and after having discussed the whole situation with the Council and Vallabhbhai Patel we are convinced that the present struggle and sufferings should end immediately.

We have decided to appoint a committee of ten gentlemen who should be subjects or servants of our State three of whom will be State Officers and seven subjects of our State, whose names will be declared hereafter.

The President of the Committee will be a person appointed by His Highness.

The Committee shall draw up, by the end of January 1939, after proper investigations, a report to us recommending a scheme of reforms so as to give the widest possible powers to our people consistently with our obligations to the Paramount Power and with our prerogative as a Ruling Chief.

It is our desire that our Privy Purse shall henceforth be regulated in the manner laid down in the circular of Chamber of Princes.

We desire furthermore to assure our people that we have intended to consider and give effect to the scheme that may be referred to us by the said Committee.

It being understood that all unconstitutional agitation shall immediately cease as a necessary prelude to restore peace and goodwill, we hereby grant full amnesty and release all political prisoners, remit all fines and withdraw all repressive measures.

The papers reported that Sri P. Cadel, the Dewan who was responsible for much of the repression at Rajkot was asked by the Thakore Sahib to relinquish his office of Dewanship. He is reported to have insisted on continuing upto the end of March, 1939, the point at which his contract ended. He is also reported to have made representation in this behalf to the Viceroy. The latest press reports, however, announce that he was leaving the State on the 4th January, 1939."

Thus the struggle that was resumed in Rajkot was a grim and desperate one. The agreement was reached on the 26th of December 1938 and when in terms of it the Sardar sent up his seven names there was a consultation between the Resident and the Thakore Sahib in council in which the former made disparaging remarks about the Sardar and the Congress. A frivolous objection was taken in Sardar's list on the ground that the names were out before the letter reached the Thakore Sahib. Moreover, it was argued, that the Thakore could not ignore the requests of the important classes, his subjects,—the Bhayyats, the Muslim Council and the Depressed Classes. His Highness approved only four names out of the seven and objected to the other three on trivial grounds. The names suggested by the Sardar were not acceptable to the Thakore. Accordingly the pact broke and this was the breach of faith to remedy which Mahatma hastened to Rajkot to begin his fast. As it was an indefinite fast the Viceroy's intervention was sought and the result was an arbitration by Sir Maurice Gwyer. The verdict was in favour of Gandhi but the latter felt that his fast was tainted by a certain element of coercion and therefore denied himself the benefits of arbitration in his favour. It may be noted that the fast took place during the sittings of the Tripuri Session and was also broken at the time.

## TRIPURI, THE OPEN SESSION

The harmony of proceedings and deliberations at Tripuri was greatly marred by two circumstances referred to, namely, the sequel to the Presidential election and the Rajkot Fast of Gandhi. The whole atmosphere was charged with the currents and the cross currents that flowed in relation to each issue springing from one or the other of these two events. The third event was the illness of the President himself which prevented him from figuring in the grand procession that had been arranged with a chariot drawn by 52 elephants along the road leading from the Railway Station to that exquisite beauty spot of Nature, the Congress Nagar of Tripuri in Mahakoshal which stood on the banks of a river and which was named the Vishnudattanagar. This improvised city in village surroundings was truly a gift of the forests. The procession in such picturesque sylvan surroundings had to be conducted with the photo of the President. There were suspicions floating about in the air that Gandhi or some of his colleagues had expressed themselves in favour of accepting the Federal part of the Government of India Act or even entered into a Pact with the British to work it. There was a certain impatience on the part of a wing of the Congress to precipitate the

struggle that was bound to ensue finally to decide the issue of India's independence. Before the conflicts at Tripuri began to take shape, it was the pious duty of the delegates to join together in rendering honour to the memories of a host of departed servants of the Nation, leaders who had in their day held the torch of the Congress high in the political firmament, young and ardent workers who devoted their lives to and laid them down in the service of the national cause. Maulana Shaukat Ali, Sir Md. Iqbal, Begam Ansari, Minister K. Ramunni Menon of Madras, G. S. Kapadia, B. Raja Row, Dr. Rajabali Patel and K. Nageswara Row Pantulu were some of the outstanding personalities who had served the Nation and died in harness. The issues before the Tripuri Congress had practically to be cleared even before the session met. It is usual for the All India Congress Committee to meet before it converted itself into the Subjects' Committee on the eve of the session. A trial of strength took place at the very session of the A. I. C. C. held at Tripuri which usually is a conventional affair, being convened to transact routine business. Owing to the absence of the President-elect at the meeting of the Working Committee at Wardha in the previous month the members assembled had held over the consideration of General Secretary's report for the year out of consideration for the absent President-elect. And when this report was taken up by the A. I. C. C. a point was raised whether the Secretary's report could be adopted without its being first approved by the Working Committee. The President ruled that the constitution did not make it obligatory on the Working Committee to approve of the report first and formally before its being placed before the A. I. C. C. Then the issue was raised whether the report should be recorded or adopted and when the General Secretary insisted that it should be adopted or thrown out, the A. I. C. C. unanimously adopted the report. That was the first tussle. It showed which way the wind blew. The second centred round a formal notice given to the President by Sri Govind Vallabh Pant and about 160 other members of the A. I. C. C. of their intention to move the following resolution at its meeting.:—

" In view of various misunderstandings that have arisen in the Congress and the country on account of the controversies in connection with the Presidential election and after, it is desirable that the All India Congress Committee should clarify the position and delcare its general policy.

" The Committee declares its firm adherence to the fundamental policies of the Congress which have governed its programme in the past years under the guidance of Mahatma Gandhi and is definitely of opinion that there should be no break in these policies and that they should continue to govern the Congress programme in future. The Committee expresses its confidence in the work of the Working Committee which functioned during the last year and deplores that any aspersions should have been cast against any of its members.

" In view of the critical situation that may develop during the coming year and in view of the fact that Mahatma Gandhi alone can lead the Congress and the country to victory during such crisis, the Committee regards it as imperative that the Congress Executive should command his implicit confidence and requests the President to nominate Working Committee in accordance with the wishes of Gandhiji ".

To admit such a resolution or not was the question. The very competency of A. I. C. C. to consider such a resolution was questioned by one wing and the President ruled that the resolution could not be discussed

by the A. I. C. C. He, however, expressed readiness to have the matter considered by the Subjects Committee.

Considering the gravity of the situation that arose at Tripuri and the momentous issues that were expected to be raised at the open session, it was somewhat surprising that out of 3319 delegates elected from the various provinces only 2285 should have been present. That well nigh a third of the delegates should have been absent on a critical occasion like the Tripuri Congress is a circumstance from which public are entitled to draw their own inferences,—may be varying, but all the same damaging to the sense of responsibility of the delegates. The President's address is the briefest in the history of the Congress but it laid bare his heart before the nation. The international situation and the Munich Pact, the Egyptian Delegation, Gandhi's Fast, Working Committee members' resignations and the upheaval in the Indian States, all claimed due share of attention at his hands. Coming to home politics, he made it clear that there was no room for pessimism, on the contrary all the facts of the situation were so much to national advantage, he said, that one should entertain highest degree of optimism. It was his contention that we must submit our national demand to British Government in the form of an ultimatum. giving a certain time limit for a reply and failing a satisfactory one, we should resort to such sanctions as we possessed in order to enforce our national demand, namely, Mass Civil Disobedience for he believed that the British Government was not in a position to face a major conflict like an all-India Satyagraha for a long period. That was why Subhash Babu feeling the time was long past when we could have adopted a passive attitude and waited for the Federal Scheme to be imposed on us," " wanted to begin operations before the Federal Scheme was " thrust down our throats ".

The Tripuri session was notable in that it had the pleasure of extending its cordial welcome to the fraternal delegation from the Wafd Party of Egypt and considered the visit as symbolising the solidarity of the movements for freedom in Egypt and India. Privileged as the occasion was it proved to be an unfortunate one in that much praised solidarity between Egypt and India was not to be met with between the two wings of the Congress itself. The delegation consisted of five members and its visit was a prompt and courteous response to the hearty invitation extended by Jawaharlal to Nahas Pasha on his way in previcus June to Europe. China is next door to us and we could not forget to send our greetings to the people of China and our deepest sympathy in their trials and privations in their struggle against a ruthless and inhuman Imperialism. Their heroic resistance was in every way worthy of our congratulations. The Medical Mission to China had already been decided upon and its work, it was hoped, would continue to receive full support and prove a worthy symbol of Indian solidarity with China. A China is to our east so is Palestine to our West and the courage, determination and the sacrifices made by the Arabs in their struggle for national freedom naturally evoked the admiration of India who conveyed through the Congress at Tripuri their greetings and good wishes for the complete success of the Arabs in the attainment of their objective. It was the clear view of the Congress that the Jews would have done better by endeavouring " to find a basis for direct co-operation with a view to establishing an independent democratic State in Palestine with adequate protection of Jewish rights ", than by relying upon the British armed forces to advance their special privileges. On the larger question of the Foreign policy, the Congress dissociated itself entirely from British foreign policy

which had been consistently aiding the Fascist powers and helping in the destruction of democratic powers. To the Congress both Fascism and Imperialism were equally anathema for the World Peace and Progress required the ending of both of these alike. Accordingly it was for the Congress to direct her own Foreign Policy as an independent nation, so keeping clear of both Imperialism and Fascism and pursuing her path of Peace and Freedom. Apart from the question of foreign policy, there remained the problem of Indians Overseas and it was a matter of particular anxiety to Congress at Tripuri that in Burma, Ceylon and Kenya Highlands, the interests of Indians should have been in great jeopardy. But what could the nation do, circumstanced as it was beyond expressing its opinion that only a free and independent India could effectively help its nationals abroad and in the meantime calling upon the Indians here to do everything in their power to help them?

The people of the Indian States are as good or as bad as Indian Nationals in foreign countries. For all practical purposes, the States are treated as foreign countries and in the Government of India departments they are consigned to the Foreign Department which are looked after by the Viceroy acting as the Crown Representative. Since Haripura, the progress achieved in this matter was as much qualitative as it was quantitative. The Rajkot experience was a volume in itself. But the awakening was on all sides. Just as the Tripuri session met, news was to hand that agreement in Rajkot resulted in the termination of Gandhi's fast begun on March 3, a week before the session began. That was an era of not Rajkot alone, but several other State Governments going back upon their assurances to their people and their pledged word. Any way, the fact was undeniable that the resolution of the Haripura session of the Congress, relating to the States had answered the expectations raised by it and had justified itself by encouraging the people of the States to organize themselves and conduct their movements for freedom. If the policy conceived at Haripura did not go farther, it was because of the limitations inherent in the circumstances. That the policy was never conceived as an obligation was evident. It was the right of the Congress,—as well as its duty to guide the people of the States and lend them its influence. As the awakening of the people of the States became more and more intense, there would doubtless be an increasing relaxation or even complete removal of the restraint which the Congress had imposed upon itself so as to establish an ever increasing identification of the Congress with the States' Peoples. Such was the confidence felt in the matter that the Working Committee was authorized to issue instructions in this behalf from time to time as occasions arose, for the Congress objective,—namely, Complete Independence was for the whole of India inclusive of the States which are integral parts of India and could not be separated and which, in the view of the Congress, must have the same measure of political, economic and religious freedom as the rest of India.

On the larger question of the National Demand, Tripuri had nothing in particular to say beyond what Haripura had decided and declared. One more milestone had been reached in India's long march to the Independence which is its objective. The Working of Provincial Autonomy in the spirit of combating the Act, doubtless had its advantages experienced over a year since Haripura in strengthening the national movement and giving partial relief to the masses. But the need of the hour was the Constituent Assembly elected by the people on the basis of adult franchise and without any interference by a foreign authority. If organized strength of the national move-

ment, the growth of consciousness amongst the masses an all round awakening among the people of India, including those of the States are essential conditions pre-requisite to self-determination, then they were there in the required measure, which entitled the people of India to establish an Independent democratic State by means of a Constituent Assembly. Full freedom for a nation is the demand not only of its inherent right and dignity, but is the essential instrument of her economic emancipation. On the one hand, there was the national struggle looming large in the horizon, on the other there was the international crisis darkening the skies of the world and if India should face effectively both, promotion of unity and elimination of disruptive forces, co-ordination of provincial activities and strengthening of national organisation constituted the call of the country as it emanated from the sylvan gales of Tripuri. All was well. The way was clear, the destination was visible. The obstacles to its attainment such as they were, were both external and internal. If the former should be successfully surmounted, the latter should be altogether obviated. Internal dissension is always a greater danger than external resistance. How was the Congress to evolve order out of the chaos that was clearly visible? Whose should be the guiding hand and the moving spirit that would help this nation on its march to its goal? In days of yore it was Moses and Aaron that led the Israelites through hill and dale, through forest and wilderness to the Promised land, the Land of Canaan, flowing with milk and honey. Had India no such hand, no such spirit? Doubtless Gandhi was away at Rajkot engaged in an indefinite fast from which fortunately he emerged successfully. His body was away but his spirit was hovering over Tripuri. Only the question was whether the nation had or had not the vision to see in him the "pillar of cloud" by day and the "pillar of fire" by night which were its unerring guides in the march to its destiny. That was the issue that engaged the attention of the Delegates at Tripuri. If Gandhi's leadership should be reaffirmed how would it fit in with the Presidentship of one whose election was not only contrary to his wishes, but to his principles and policies and was declared to be a defeat for himself. For well nigh two decades, the members of the Working Committee, the Chief Executive of the Congress were being selected by Gandhi or with his consultation and approval. Would that be possible this year (1939)?

Throughout the session of the Congress, Subhash Babu remained ill and his illness showed no improvement for a long time since. He could not attend the open session. To the meetings of the A.I.C.C. and the Subjects Committee, he was carried on a stretcher and was looking the very ghost of himself as he was being nursed and fanned on the platform by his near relations and friends. The sight of his entry and exit in a stretcher carried by friends was pathetic to a degree, but on principles and policies there was no relenting on either side. The spectacle of open turbulence from one wing of the delegates as speaker after speaker attempted to make himself heard, paralysing all proceedings for well nigh an hour, was one that had not been witnessed since Surat (1903) or even at Surat. And when Sarat Babu appeared on the pulpit and made an exhortation, it abated. The simple device suggested over which this mighty disturbance took place was to refer Pandit Govinda Vallabh Pant's resolution to the A. I. C. C. so as to save all the unpleasantness in the open session. But it was resisted with force. The proposition was withdrawn and the session was adjourned. The next day, the visitors were cut off, the delegates were assembled in the Subjects Committee pandal which was quite able to hold three thousand people,

including delegates, pressmen and volunteers. The best *bandobast* was made and the open session was held with the utmost orderliness. At a late stage as the open session was about to begin in the Subjects Committee pandal, there was reason to believe that certain friends at any rate from Bengal saw better and would gladly revert to the proposition of the previous day which was particularly shouted down. But it was too late and the open session went through the draft agenda and passed the resolutions already summarized, uneventfully.

## TRIPURI AND AFTER

The Congress session was over. The departure of the President of a session is always an impressive scene, perhaps not so spectacular as his arrival, but not less emotional in its effectiveness. At Tripuri, however, the departure of the President was a solemn function attended by a few family attendants, one or two doctors and two members of the Working Committee. It was with some difficulty that he could be placed on his couch in the ambulance van in which he was to make his long journey. He straightway went to a place near Jharia and spent over a month in recouping his health. Almost every day the country was expecting the personnel of the Working Committee to be selected and announced by Subhash Babu. But he didn't do it. At last a meeting of the A. I. C. C. had to be convened to deal with the whole situation. Congress affairs reached a deadlock. A Congress without a Working Committee was like an organism without hands and legs. An organisation without an Executive was as good as non-existing. The situation created by Subhash Babu's attitude could only be dealt with by the All India Congress Committee which met in Calcutta in April-May 1939.

(See *Bulletin* 2, 1939, May 19, pp. 1 to 13.)

The circumstances under which Subhash Babu tendered his resignation in Calcutta before the All India Congress Committee were not unprecedented. It will be remembered how Sri Desabandhu C. R. Das had likewise tendered his resignation soon after the session of the Congress at Gaya in 1922. The analogy may not go on all fours, for Chittaranjan Babu's second election to Presidentship at Gaya was a unanimous one. In neither cases was the resignation the result of mere disgust but was a prelude to an organized campaign against the decisions against which their respective resignations stood as a protest. Subhash Babu took up cudgels at once and when the All India Congress Committee met once again in Bombay in June, two decisions that were taken as it became the subject of acute controversy then and of continued resistance later. The occasion called forth a statement by Rajendra Babu, the new President for the year, on behalf of the Working Committee, which for its comprehensiveness and relevancy may well be perused *in extenso*.

(See *Bulletin* No. 3, 9-7-39, pp. 1 to 7.)

The acutness of feelings, persisted in a section of the A. I. C. C. on the question of Satyagraha in the Provinces and the relationship between Congress ministries and the Provincial Congress Committees. It will be remembered how at Jalpaigiri in Bengal, the District Conference had evolved the formula of six months' notice to British Government and mass Civil Disobedience. Bengal was enthusiastic, at any rate a vocal section thereof

was. They wanted to hasten the fight with Government. They greatly apprehended some kind of understanding, some settlement with them. They would come to grips with the British straightway. Even if Bengal wanted to make headway, it must be under the guidance of the Provincial Congress Committee. On smaller questions of Agrarian relief, there were talks of Satyagraha. It would be a mockery if in eight provinces, Congress Governments should run the show and in one or more of them the ministers had to face outbreaks of Satyagraha. The situation, therefore, demanded that any movement of Satyagraha for any purpose should be run under the direction, control and superintendence of the Provincial Congress Committee concerned. The Working Committee's authority was not sought to be interposed. Nevertheless this little resolution passed by the A. I. C. C. in Bombay towards the end of June 1938 became anathema in the eye of a number of friends and Subhash Babu led their march to revolt. Another irritant that contributed to the intensification of hostilities at this stage between the two wings of the Congress was the advice tendered by the A. I. C. C. at the same meeting to the Congress parties and the Provincial Congress Committees. The continuance of Congress ministries in power in provinces implied the supreme need and desirability for such co-operation for without it misunderstandings are likely to arise with the result that the influence of the Congress would suffer. Therefore, it was laid down that "in administrative matters, the P. C. C. should not interfere with the discretion of the Ministry, but it is always open to the Executive of the P. C. C. to draw the attention of the Government privately to any particular abuse or difficulty. "In matters of policy", the resolution said, "if there is a difference between the ministry and the P. C. C. reference should be made to the Parliamentary Board. Public discussion should be avoided. This rule of conduct was regarded by the dissentients as an invasion of the rights of the people, and a virtual subordination of the Provincial Congress Committees to the Ministers and the party organisations of the Legislatures. Subordinate Congress Committees in various places began to pass resolutions calling in question certain decisions of the A. I. C. C. and organized meetings to condemn them despite the fact that they had been arrived at by the only democratic method, that is, by a majority vote. While a request or suggestion could always be made to the higher body, yet July 9th was declared by Subhash Babu and his adherents as an all-India Day of protest against the aforesaid decisions of the A. I. C. C. and the future sectional and fissiparous politics centered round this event which was considered by the Congress as an open breach of discipline.

It would be convenient to complete the story of the developments centering round this point in order not to make the narrative uninterrupted. The 9th of July (1939) was observed in many places as a day of protest by the Left consolidation group and by Sjt. Subhash Chandra Bose. Reports of meetings were reaching the President from Calcutta, Cawnpur, Nagpur and Jubbulpur. The Executive Council of the Bengal Provincial Congress Committee met and discussed the matter at length and the public meeting in Calcutta was attended by a large number of prominent members of the Congress Committees. Just at this moment (July 9th and onwards) Gandhi was away in the Frontier Province to fulfil long awaited engagement and Jawaharlal was on his way to Ceylon to which place he was deputed by the Working Committee—to compose the differences between the Indian immigrants and the Ceylonese and bring about a better understanding between

these two ancient lands. An urgent meeting of the Working Committee was considered necessary and the Committee met in the second week of August 1939 at Wardha. Subhash was naturally asked to give his point of view in the matter as he had organized these demonstrations and it would be an act of bare justice to him to quote his 'explanation' in the matter in full as given in his letter to Rajendra Babu, dated 7th August, 1939 :—

"I am exceedingly sorry for the delay in replying to your letter of the 18th July, from Ranchi. You have asked me for an explanation of my action in protesting against certain resolutions of the All India Congress Committee passed at Bombay.

"In the first place, one has to distinguish between protesting against a certain resolution and actually defying it or violating it. What has so far happened is that I have only protested against two resolutions of the A. I. C. C.

"It is my constitutional right to give expression to my opinion regarding any resolution passed by the A. I. C. C. You will perhaps admit that it is customary with a large number of Congressmen to express their views on resolutions passed by the A. I. C. C. when a particular session of that body comes to a close. If you grant Congressmen the right to express their views on resolutions passed by the A. I. C. C. you cannot draw a line and say that only favourable opinions will be allowed expression and unfavourable opinions will be banned. If we have the constitutional right to express our views, then it does not matter if those views are favourable or unfavourable. Your letter seems to suggest that only expression of unfavourable views is to be banned.

"We have so long been fighting the British Government among other things for our Civil Liberty. Civil Liberty, I take it, includes freedom of speech. According to your point of view, we are not to claim freedom of speech when we do not see eye to eye with the majority in the A. I. C. C. or in the Congress. It would be a strange situation if we are to have the right of freedom of speech as against the British Government but not as against the Congress or any body subordinate to it. If we are denied the right to adversely criticise resolutions of the A. I. C. C. which in our view are harmful to the country's cause then it would amount to denial of a democratic right. May I ask you in all seriousness if democratic rights are to be exercised only outside the Congress but not inside it?

"I hope you will agree that when a resolution is once passed by the A. I. C. C. it is open to us to have it reviewed or amended or altered or rescinded at a subsequent meeting of that body. I hope you will also agree that it is open to us to appeal against the A. I. C. C. to the higher court of appeal, namely, the open session of the Congress. You will agree further, I hope, that it is open to a minority to carry on a propaganda with a view to converting the majority to its point of view. Now how can we do this except by appealing to Congressmen through public meetings and through writings in the press? The Congress today is not an organisation of a handful of men. Its membership has, I believe, reached the neighbourhood of 45 lakhs. We can hope to appeal to the rank and file of the Congress and to convert them to our point of view only if we are allowed to write to the press and also to hold meetings. If you maintain that once a resolution is passed in the A. I. C. C. it is sacrosanct and must hold good for ever, then you

may have some justification for banning criticism of it. But if you grant us the right to review or amend or alter or rescind a particular resolution of the A. I. C. C. either through that body or through the open session of the Congress, then I do not see how you can gag criticism, as you have been trying to do.

"I am afraid you are giving an interpretation to the word 'discipline' which I cannot accept. I consider myself to be a stern disciplinarian and I am afraid that in the name of discipline you are trying to check healthy criticism. Discipline does not mean denying a person his constitutional and democratic right.

"Apart from the fact that it is our constitutional and democratic right to protest against resolutions which in our view are harmful to the country's cause, a consideration of the merits of the two resolutions, if given effect to will serve to accentuate the drift towards constitutionalism, to increase the influence, power and authority of the Provincial Ministries at the cost of the Congress organisations, to isolate artificially the Congress from the general public as also the A. I. C. C. from the rank and file of the Congress. Moreover, they will serve to undermine the revolutionary spirit of the Congress. Consequently in the best interests of the country, these two resolutions should be immediately held in abeyance and ultimately altered suitably or withdrawn.

"In this connection I cannot help drawing your attention to certain incidents at the time of the Gaya Congress in 1922 and after. Please do not forget what the Swaraj Party did in those days. Please do not forget either that when the A. I. C. C. amended the resolution of the Gaya Congress, the Gujarat P. C. C. resolved to defy it.

"Lastly, please do not forget that Mahatma Gandhi wrote in *Young India*, if my recollection is correct, that the minority has the right to rebel. We have not gone so far yet as to actually rebel against the decision of the majority. We have simply taken the liberty of criticising certain resolutions passed by the majority in the teeth of our opposition.

"I am really surprised that you have made so much of what we regard as our inherent right. I hope you will accept my explanation as satisfactory. But if you do not do so and if you decide to resort to disciplinary action, I shall gladly face it for the sake of what I regard as a just cause. In conclusion, I have to request that if any Congressman is penalised in connection with the events of the 9th July, then you will also take action against me. If the observance of an all-India day of the 9th July is a crime then I confess, I am the arch-criminal.

With kindest regards,

Yours sincerely,
(Sd.) Subhas Chandra Bose."

This lengthy explanation was considered most anxiously by the Working Committee but with great sorrow and reluctance it came to the conclusion that he had wholly missed the main point raised by the President of the Congress. It took the view that "as ex-president, he should also have realised that having received peremptory instructions from the President, it was his duty as the servant of the nation to obey them implicitly even though he differed from the ruling of the President. It was open to him if he felt aggrieved by the ruling, to appeal to the Working Committee or the A. I. C. C. but he was bound so long as President's instructions stood,

to carry them out faithfully. After emphasising the necessity for discipline in the Congress in its struggle with the most powerful imperialistic corporation in the world, the Working Committee combated Subhash Babu's contention that every member was free to interpret the Congress Constitution as he liked as there would be perfect anarchy in the Congress in that case and it must break to pieces in no time. Accordingly, Subhash Babu was declared disqualified as President of the Bengal Provincial Congress Committee and to be a member of any elective Congress Committee for three years as from August 1939. It was hoped by the Working Committee that Sjt. Subhash Bose would "see the error of his ways and loyally submit to this disciplinary action." But he made a South Indian tour soon after where he was met by large crowds of people and he fondly believed that they were all his adherents and hoped that they would strengthen his Forward Bloc which he had formed soon after his resignation. In his crusade against the Congress, he did not stop short even at prohibition which had been introduced into the provinces by the Provincial Governments in Bombay and elsewhere.

A notable feature of Congress activities in 1939 was the acute and variegated interest taken by the members of the All India Congress Committee in the subjects that should engage its attention. Three meetings of it were held in the year and the number was nothing unusual, but the well-filled character of the non-official agenda was bound to arrest attention not merely for the multiplicity of the subjects but for their variety and the peculiar standpoint from which they were being viewed. In Calcutta, 116 non-official resolutions were given notice of in April 1939, in Bombay 177 in June 1939, and in Wardha 33 in October 1939. In the June Session only two non-official resolutions had a chance of which one was a ballotted resolution relating to the Andhra Province in respect of which, the Committee was "strongly of opinion that immediate steps should be taken for its formation." The other related to the Digboi strike and the resolution was by common consent advanced for consideration, irrespective of the ballot, but the President thought it necessary to couple with its consideration the warning that ruling of his was in no way binding on future Presidents. The Digboi strike was an important event considering the character as well as the magnitude of interests involved and the conflicts that arose in them. (For a full account of the affair see *Bulletin* III, 9-7-39, pp. 33 to 39.)

We have incidentally referred in a foregoing section Jawaharlal's visit to Ceylon. Certain measures created for the Indian settlers in Ceylon an anxious situation. To avoid the unnecessary and avoidable conflict between two friendly neighbours, Jawaharlal Nehru was deputed to go to Ceylon by the All India Congress Committee and effect, if possible, a peaceful settlement.

Jawaharlal reached Colombo by air on July 16. A magnificent reception was accorded to him by the people, Indians and Ceylonese alike. He was the guest of a special reception committee formed at the instance of Sir Baron Jayatilaka, the Leader of the State Council of Ceylon.

Jawaharlalji had a busy and strenuous time conferring with the ministers, representatives of the two chief Indian organisations in Ceylon, the Ceylon Indian Congress and the Ceylon Central Indian Association and other individuals concerned. He addressed several crowded public meetings. At these gatherings he emphasised the necessity for preserving and perpetuating the ancient cultural and historical ties that bound the two countries, the common fight they had to engage in against a common foe, and the imperialistic background of their economic and political woes. In his talks with

the ministers he pleaded for a wider vision and broader approach to the problems that affected the Ceylonese and the Indians who had settled there and made Ceylon their home. The immediate problem he pointed out, was a small and petty one in the context of the large problems they had to face. It was, therefore, essential that this small problem be approached in a large spirit. To the Indians and their representatives, he appealed to sink all the internal differences and be a united and strong body of self-respecting citizens pledged to protect the honour of India. He coupled this advice with an earnest appeal to them to consider Ceylon also as their home, serve it with devotion and loyalty and cultivate fraternal relations with its inhabitants.

The high-minded approach to the problem created a calm and favourable atmosphere all round. The ministers, however, could not see their way to agree to any major change in their scheme of repatriation. They agreed to a slight modification of the scheme and promised to take steps to minimise hardships consequent on repatriation. The visit of Jawaharlal, therefore, though it revived memories of traditional friendship between the two countries and lessened the bitterness inherent in the situation, did not succeed in achieving its objective. His object was to explore all possible means bringing about a just and honourable settlement on questions relating to the Indian employees of the Ceylon Government. That visit must be considered successful in so far as it established closer social relationship between the peoples of India and Ceylon and brought them nearer to each other. But it was regrettable that otherwise the Ceylon Government should have remained obdurate on the issues involved in the question so much so that the Working Committee felt called upon to state that the action of the Ceylon Government in respect of these matters was not in confirmity with justice or international peace. The Congress was of the view that if India would do unto others as she would be done by she could not take an imperialistic view of the matter but must offer its co-operation and sympathy to a small country like Ceylon and above all furnish proofs thereof in actual conduct. It was not as if the Congress intended any Indian to go anywhere as one of the unwanted outsiders. The Working Committee readily recognized the rights of the people of Ceylon to be given preference in State Service or otherwise in their country. The Indian emigrants in Ceylon, however, are not mere birds of passage but have long settled down there and made Ceylon their homeland. Thus their rights of citizenship could not be abridged. It was the considered view of the committee that all future immigration of labour from India to Ceylon must be completely stopped, and they welcomed the decision of the Government of India to this effect. To anticipate matters it may be noted here that a delegation of the Ceylon Government visited India and carried on pourparleys with the Government of India with no better results in 1940. Still another attempt was being contemplated by the Ceylon Government in July 1941. Side by side with the mere enrichment of Ceylonese land and elsewhere, the Indian labourers have earned the right by settling down in Ceylon and making the island, their homeland, to be considered on a par with the other inhabitants of the island and to have the privileges and responsibilities of citizenship, while the temporary immigrants deserve all consideration and just and proper treatment in view of the labour and service given by them to the island. But apart from this contribution of labour and service, there are the historical, geographical, cultural and economic reasons which have linked the

fate of Ceylon with that of India and this fact impels the Congress to strengthen the agelong bonds to the mutual advantage of the two countries.

As time advanced and Congress discipline tightened, as objections came to be raised from time to time on grounds of elected members or candidates for elected seats not being habitual Khaddar-wearers, an authoritative pronouncement became necessary in this behalf. As soon as the Haripura Session was concluded, the Working Committee met and defined Khaddar not merely as hand-spun, hand-woven cloth but cloth in the manufacture of which the artisans concerned received the wages fixed by the All India Spinners' Association. Such cloth should be purchased only from the depots of the A. I. C. C. or of depots certified by that body. But the matter had received attention long anterior to Haripura for it was decided that the ruling given by Ex-President Shri Vallabhbhai Patel and endorsed by the Working Committee at its meeting held at Patna in December 1934 when he was the President, should be adhered to as also the resolution passed by the Working Committee at their meeting at Jubbulpore, April 1935.

**Vallabhbhai Patel's Ruling**:—On a reference being made as to definition of the term ' habitual wearer wholly of hand-spun and hand-woven khaddar ' in Art. V, clause (*b*) (*i*), the Working Committee was of opinion that the definition given in the following terms by Sardar Vallabhbhai Patel represented their view:—

1. " When a man wears clothes made of Khadi as a matter of habit, he is a habitual wearer. If, therefore, for any just cause he cannot use Khadi on some occasions, he does not cease to be a habitual wearer.

2. But if a person appears at Congress function in clothes not made of Khadi, he will be presumed not to be a habitual wearer of Khadi.

3. Habitual wearer of clothes made of Khadi means all clothes from top to toe made of hand-spun and hand-woven Khadi.

4. When it is pointed out to the Chair or when the Chairman of a Congress meeting himself knows that a voter or candidate is not wearing Khadi clothes at that meeting, he is bound to rule that the person is not a habitual wearer in spite of his protestations to the contrary. "

## JUBBULPORE RESOLUTION

" With reference to the enquiries made, the Working Committee instructs the Provincial Congress Committee to treat a person as habitual wearer of Khaddar who has shown himself as having worn khaddar for a period of six months prior to his election to office or as a member of the Congress Committee."

It was also decided that the Khadi clause should apply to all those who were granted Congress ticket in Municipal and Local Boards and other elections even as it applies to members of legislatures.

Before we conclude the story of the events of 1939, there remain two small points which may be referred to in passing. One was the Bengal Dispute in regard to the validity of a certain meeting of the P. C. C. held on July 26, 1939. On enquiry the President Rajendra Babu held the meeting to be invalid. The second is an important step taken in tightening the discipline and rules of the Congress organization. To this end a conference of Secretaries of Provincial Congress Committees was summoned. The A. I. C. C. having adopted far reaching changes in the Congress constitution, the P. C. C. s had to make necessary adjustments in their own consti-

tutions at an early date with the approval of the Working Committee. It was necessary to keep up a vital contact between the Central Office and the Provincial Committees. The Tribunals as envisaged in the new Constitution had to be immediately brought into being. The office machinery had to be perfected. In order to have intimate acquaintance with accountancy as well as tolerable knowledge of the Constitution, strict instructions were issued to the effect that

(*a*) a fixed financial year for purposes of accounting must be observed,

(*b*) that P. C. C.s should make arrangements for the supervision, inspection and audit of the accounts of the Town, District and other Congress Committees under them and be in regular receipt of trial balances every quarter of the year, while the P. C. C.s in turn, should publish annual statements so as to enable the central organization to publish its own consolidated annual statement,

(*c*) all expenditure is to be incurred by previously prepared periodical budgets, sanctioned and approved by the concerned committee,

(*d*) that all vouchers must be duly submitted and approved by the Secretary,

(*e*) all moneys be banked,

(*f*) that such details as permanent advance,

(*g*) receipts and vouchers,

(*h*) periodical returns,

(*i*) books including petty-cash book, journals, ledgers, salary registers, postal account and Dead-stock and Furniture Registers should be correctly maintained.

We are fast closing the middle third of the year 1939. The distant rumble of war drums was almost audible. Just on the eve of it, the city of Bombay embarked upon its magnificent experiment of prohibition.

> "August 1, was a memorable day for Bombay. On this day, prohibition was launched in the city and its suburbs amid great popular enthusiasm. The celebrations of the day included a huge procession terminating in a public meeting, about the largest on record in the history of Bombay. It is believed that about 2 to 3 lacs of people assembled. "The entire Bombay and India", said Shri Vallabhbhai Patel addressing this surging mass of humanity were watching and the entire world was waiting for the day. That day had come. For the people of this country this day was the day of redemption and the day of deliverance from their bondage and from their slavery to the demon of drink. Today Bombay killed its past history and opened a new chapter."
>
> To their credit, it may be added, that the great Parsi community, the bulk of which was opposed to the reform, refrained from any hostile act to spoil the effect of the magnificent enthusiasm of the people. Some of the members of the community participated in the procession and the meeting.
>
> Premier B. G. Kher and the Minister Dr. M. D. D. Gilder were the recipients of warm and grateful congratulations from all parts of the country. A difficult experiment was being launched with courage, faith and determination under circumstances of exceptional difficulty.
>
> Mahatma Gandhi, the great inspiration behind the reform, sent the following message:
>
> "I hope that good sense for which Bombay is famous will ultimately prevail and all will combine to make the brave reform undertaken

by the Bombay Ministry a success it deserves to be. I am quite sure that the removal of the curse of intoxicating drinks will confer lasting benefit on the country."

There remains one other noteworthy incident:

The release of Sri Jamnalal Bajaj: It will be recalled that Sri Jamnalal Bajaj, member of the Working Committee and President of the Jaipur Praja Mandal was arrested in February last for defying an order prohibiting him from entry into the Jaipur State. He was going there to organise relief for the famine-stricken. No legal trial followed the defiance of the order, but he was kept in detention for an indefinite period. The rigors of the life of detention told on his health and he suffered from various complaints. When local medical talent proved inadequate, he was offered release provided he went to some foreign country for treatment. He declined to purchase liberty on these terms. On August 9, 1939 he was, however, released unconditionally after a needless and harassing detention of more than six months.

In the course of a statement he issued to the press on his release he said, "Our struggle is not yet over; Jaipur has just passed through its first phase. The Satyagraha has made the people conscious of their strength and taught them how to use it when necessary. The sacrifices made cannot be lost. The goal is nearer today, but we have to carry on our agitation till our present demands, which are minimum and which can on no account be called anything but moderate, are fulfilled."

Thus ends the routine course of a year in the midst of a good deal of introspection, heart searching and mutual recrimination instead of one in which the national forces should have presented a united and consolidated front. The Congress Socialist Party had been there since 1936. The Communist Party was coming more and more into the open although its very existence had been banned by the Government of India. In addition there was the Kisan party with its growing divisions into a wing that was more clearly inclined towards the C. P. whilst the other wing was inclining more towards the C.S.P. This division was becoming more and more marked in the provinces of U. P. and Bihar and in a measure in Bengal. Then too, there was Mr. M. N. Roy in the field who had for the diseases of the body politic an aetiology, a pathology and a code of therapeutics all his own. Then there was the Forward Bloc which was composed of the Left Wing that gathered round the banner of Subhas Babu. The Forward Bloc did not necessarily consist of either Socialists or Communists or Kisans or Royists, nor did people belonging to one group have sympathies necessarily with those of any allied or adjacent group. Each stood for itself. There was no doubt a certain united front, whenever the Congress Executive had to be confronted or attacked but otherwise, they together were an amorphous group composed of a number of components brought together as a mechanical mixture,—not a chemical compound. When, therefore, war broke out on the 1st September, 1939 and on the 3rd Britain and India were involved, the divisions in the country which had to meet the political situation were several, each having its own plan, but all united by a common anti-war effort programme. At the same time the cautious and graduated steps adopted by the Congress only served to earn for the great national organization the ill-deserved remark that it was not anti-British and that it was for a settlement with Britain, indeed that a settlement had been all but concluded. In

the mean time trouble was brewing in the affairs of the Bengal Provincial Congress Committee. The B.P.C.C. invited on the 30th August, 1939 its subordinate committees to give their opinions upon the action taken by the Working Committee in respect of Subhash Babu, as its President in respect of the proceedings of the B.P.C.C. on the 26th July, 1939 and of the appointment of a Provincial Election Tribunal. The Working Committee noted with regret the objectionable character of the tone and temper, as well as the contents of the B.P.C.C.'s resolution and considered them wholly unbecoming of a Provincial Committee. Altogether the atmosphere was wanting in that perfect peace and tranquillity which would have been a priceless asset to a subject nation struggling for its emancipation, whose struggle was intercepted by the outbreak of a world war. When the Working Committee met in the second week of September (1939) to consider the situation, Jawaharlal who had not as yet joined the committee after the Calcutta imbroglio (April 1939) was an invitee but was away from India, in China on his visit to Chiang-Kai-Shek. Jawaharlal, however, arrived at Wardha on the 10th September and joined the discussion. On this occasion, Md. Ali Jinnah, President of the Muslim League was invited to participate in the deliberations but he replied that owing to previous commitments he could not go to Wardha and that he would gladly discuss the situation with Rajendra Babu at Delhi which place he was bound to reach on the thirteenth in view of the meeting of the Working Committee of the Muslim League. Five days of anxious consideration were given to the subject of India's duty on the outbreak of the war. Gandhi had already been invited by the Viceroy and had had long interviews.

## CHAPTER VI

### Outbreak of the War (1939)

For over twelve years the Congress had been anticipating the outbreak of a second Great European War and warning the country against rendering any kind or measure of help to Britain in money, men or munitions. At last the long apprehended war broke out on the 1st September, 1939 and India was declared a belligerent on the 3rd September. From the very outbreak it was clear that the conditions of warfare of the forties of this century would be totally different from those that had obtained in between 1914 and 1918. In the first place this is a war, not of men, but of machines. In that view it is some consolation to note that the destruction of life would be less, but the destruction of property should be more. Thousands of aeroplanes dropping bombs whose weight runs into tons each, must be cataclysmal in their *ruinous* operations whose magnitude and malevolence could only be compared to, though only to be excelled by the visitations of Nature. The War was carried on land, but without trenches, on the sea but not necessarily with submarines and in the air not altogether with anti-air-craft guns. Trenches, submarines and anti-air-craft guns are there but have become antiquated, though they have not as yet fallen into disuetude. A new weapon has superseded them all. The war of position which the trenches had implied has become a war of movement. The furtive submarine has yielded place to the bomb from the blue skies. The anti-air-craft gun has become merely an instrument for creating popular confidence and not a weapon calculated to bring down the fiendish air plane, and it has left the field in the hands of the air fighters. The new instrument is the radio which disseminates news every half an hour with the regularity of an electric clockwork. Men vied with one another and then as to who should be the first to get to the radio and catch the ear of an expectant public to restore their lost or strengthen their unabated morale, to hold aloft ideals never meant to be realized, to describe atrocities never to be exceeded and to plan out campaigns never perhaps to be accomplished. His Majesty, the King of England's broadcast was the first to be heard, followed by the Viceroy's and played back for a couple of days every now and then. An anxious and perhaps inquisitive public began to scan and scrutinize these various loud talks to see if in the range of their war aims, there remained in some nook or corner, some crevice or cranny in which India,—drawn into the fold of belligerents, could find her tickets of freedom may be at some caudal end. Ah, but how could that be, how could the hewer of wood and drawer of water have a place in the Dewan-i-Am or the Dewan-i-Khas or how could the waiter in his apron find a seat at the table for himself in a dress suit? Dignitary after dignitary spoke,—the King, the Viceroy, the Governors, the Secretary of State, the Premier of England, the Foreign Secretary who was also an Ex-Viceroy, Britain spoke, India spoke, America spoke, spoke South Africa and General Smuts, the politician and philosopher. But neither philosophers nor politicians, neither statesmen nor diplomats, neither satraps nor pro-consuls would say a word about India, or even inaudibly pronounce its five letters—well distanced one from the other. What was India to do? What part or lot had she in the war? What moral enthusiasm or material aid could she muster up in a

cause which was not hers, under a flag which threw down its own and under leaders who would not consult her leaders ? India had on the outbreak of the war eleven provinces enjoying Provincial Autonomy. None of them was consulted on India being made a party to war. The Indian Central Legislature had an appreciable elected element but they were not so much as informed about the serious step taken. In the Budget session of 1938 in the Central Legislature, a definite promise was made on the floor of the House that the Indian troops would not be moved out of India except after informing that august body, but long before the war broke out troops had been moved to Egypt and Singapore, and it was argued that the frontiers of India were not the mountains in the North or the sea on the East, South and West, but somewhere in the Mediterranean on one side and Singapore on the other. What availeth, however, the straw to complain against the wind, when crowbars are blown away by its force ?. India, the inexhaustible source of food supplies, the eternal storehouse of raw materials, the home of warriors and slaves that fight others' battles and uphold their master's independence! India, the birth place of servility and abjectness, the breeding ground of *jo hukums* and *firman bardars*, the land that sells her honour to the master that begins his spoliation by committing a rape on her freedom, what is such an India but the footstool, which is the stepping stone to the Badshah's *Takht* and *Taj* ? India was not consulted by Britain as the Dominions were. But Gandhi was invited by the Viceroy for an interview. The Union of South Africa decided by one vote to participate in the War. The Free State of Ireland decided to be neutral. Gandhi went to the Viceroy not to commit the nation to one course or the other, for he was not asked to do so—nor had he the authority to play such a role. He went to the Viceroy and offered his personal sympathy and co-operation in the War. The Congress, however, must speak separately for itself, he said. In the course of conversation, Gandhi said that he had broken down on the thought of the enemy aeroplanes showering bombs on and throwing into ruins such ancient and historic structures as the Westminster Abbey, the Parliament House and St. Paul's Cathedral. That was why he offered his co-operation, which was purely moral co-operation and in a short time later, the Working Committee of the Congress met at Wardha and took its historic decision on the war issue. The Committee did not act precipitately or without grave and solid deliberation.

The Congress had on various occasions expressed itself at its open sessions as well as at meetings of its Committees since the year 1927 on the War Situation as it was visualized by them from time to time. The Committee realized that the character of the world conditions had gone on changing from period to period during those twelve years. In August 1938, we came near enough to the conditions prevailing in 1939. In 1939, it was our duty to bring a fresh mind to bear upon the conditions of the war as they stood on 3rd.September, 1939. The portents of the war were visible in the political skies of Europe and India even before the actual outbreak of hostilities. In the second week of August 1939, the international situation appeared critical and the danger of war overhung the world. There were the nations on the one hand who stood for democracy and freedom and on the other those that were Fascist in outlook and aggressive in conduct. Between the two the sympathies of the Congress were with the former. In any case, if a war should break out the Congress was clear in respect of its policy for it declared its determination to oppose all attempts to impose a war upon India. The Working Committee resolved in the second week

of August that is three weeks before the outbreak of war that they felt bound by this policy of the Congress and would give effect to it so as to prevent the exploitation of India's resources for imperialistic ends.

(See *Bulletin* 4, dated 7-9-1939, p. 8, Resolution 8.)

It was discovered that the critical character of the situation as it was fast developing lay in the fact that although at its meeting held in Calcutta on the 1st of May 1939, the All India Congress Committee had reiterated this policy of the Congress and expressed its disapproval of the despatch of Indian troops to foreign countries, yet the British Government had sent or were sending Indian troops to Egypt or Singapore against the declared will of the Indian people. That was not all. Even apart from the war situation, the Central Legislative Assembly had previously declared that no Indian troops should be sent abroad without the consent of the legislature. It was obvious then that the British Government was thus flouting the declarations of the Congress and the Assembly and was beginning to take steps which might inevitably lead to India's entanglement in a war. In answer to such bare faced and unabashed defiance of public opinion and as a first step, the Committee called upon all the members of the Central Legislative Assembly to refrain from attending its next session. At the same time, the Provincial Governments were warned not to assist, in any way Britain's war preparation even at the peril of the Congress Ministries having to resign.

Events moved fast indeed for the Russo-German Pact of non-aggression was signed at Moscow on August 24th, 1939 while the Anglo-Polish agreement for mutual assistance between Britain and Poland was announced in a statement issued on August 25th by British Foreign Office. The obligation so incurred by Britain in respect of Poland compelled the British Government to declare to the German Government that unless the latter were prepared to give satisfactory assurances to Britain, suspending all-aggressive action against Poland and were prepared further to withdraw promptly the German forces from Polish territory, a state of war would exist between the two countries as from 11 a.m. (G.M.T.) on the third September. On the same day Mr. Chamberlain broadcast the news that no such undertaking having been received, Britain was at War with Germany. " It is a sad day for all of us," said he, " but for none is it sadder than for me. Everything, that I have done, worked for, hoped for and believed in, during my public life has crashed in ruins. The only thing left for me is to devote what powers I have for victory. I cannot tell what part I may be allowed to play but I trust I will live to see the day when Hitlerism is destroyed and a restored and liberated Europe has been re-established. " Every word of this speech in the House of Commons which is so terse and telling may well be examined and appraised. In the first place, he was in doubt as to the part that he might be allowed to play for in a year of the outbreak of war he was displaced by Churchill. He apparently had done as to whether he would live to see the world of fruition for he passed away before Hitlerism was brought under. In any case, however, it was only a restored and liberated *Europe* that he wanted to re-establish and there lies the snag for the Indian problem.

On the night of September 3rd, His Majesty the King Emperor broadcast to his Empire his message in which he condemned the selfishness of a State which disregarded its treaties and solemn pledges and sanctioned the use of force or threat of force against the sovereignty and independence of other States. His one concern was that such a policy based as it was on the doctrine that might is right, if once established throughout the world

it would imperil the freedom of Britain and the whole British Commonwealth. And the King added " but far more than this, the peoples of the world will be kept in bondage of fear and all hopes of settled peace, of security, and of justice and liberty among nations would be ended. This was followed by the Viceroy's proclamation in which he expounded the issue at stake and expressed confidence that India would fight for human freedom as against the rule of force. " The issues are clear," said the Viceroy, " what faces us is the safeguarding of principles vital to the future of humanity, principles of inter-national morality, the principle that civilised men must agree to settle disputes between nations by reason and not by force the principles in that in the affairs of men, the law of the jungle, the will of the strongest, irrespective of right and justice cannot be allowed to prevail. But the mockery, nay the sting of the message lay at its tail and in which the Viceroy expressed his confidence that India will make her contribution on the side of human freedoms as against the rule of force and play a part worthy of her place among the great nations and historical civilization of the world "—a worthy path indeed for a slave to enslave other nations or to emancipate them and yet continue as the Cinderella of the nations of world.

Almost, the first thing the Viceroy had done was to invite Gandhi to Simla, and what happened at the interview with the Viceroy is best told in Gandhi's own words :

" I knew that I had no instructions whatsoever from the Working Committee in the matter. I had answered a telegraphic invitation and taken the first train I could catch. And what is more, with my irrepressible and out and out non-violence, I knew that I could not represent the national mind and I should cut a sorry figure if I tried to do so. I told His Excellency as much. Therefore there could be no question of any understanding or negotiation with me. Nor, I saw, had he sent for me to negotiate. I have returned from the Viceregal Lodge empty-handed and without any understanding, open or secret. If there is to be any understanding, it would be between the Congress and the Government.

" Having, therefore, made my position *vis-a-vis* the Congress quite clear, I told His Excellency that my own sympathies were with England and France from the purely humanitarian stand-point. I told him that I could not contemplate without being stirred to the very depth the destruction of London which had hitherto been regarded as impregnable. And as I was picturing before him the Houses of Parliament and the Westminster Abbey and their possible destruction, I broke down. I have become disconsolate. In the secret of my heart I am in perpetual quarrel with God that He should allow such things to go on. My non-violence seems almost impotent. But the answer comes at the end of the daily quarrel that neither God nor non-violence is impotent. Impotence is in men. I must try on without losing faith even though I may break in the attempt.

"And so, as though in anticipation of the agony that was awaiting me, I sent on the 23rd July from Abbottabad the following letter to Herr Hitler :

' Friends have been urging me to write to you for the sake of humanity. But I have resisted their request because of the feeling that any letter from me would be an impertinence. Something tells me that I must not calculate and that I must make an appeal for whatever it may be worth.

' It is quite clear that you are to day the one person in the world who can prevent a war which may reduce humanity to the savage state. Must you pay the price for an object, however, worthy it may appear to you to be ?

Will you listen to the appeal of one who has deliberately shunned the method of war not without considerable success? Any way I anticipate your forgiveness, if I have erred in writing to you.'

"How I wish that even now he would listen to reason and the appeal from almost the whole of thinking mankind, not excluding the German people themselves. I must refuse to believe that Germans contemplate with equanimity the evacuation of big cities like London for fear of destruction to be wrought by man's inhuman ingenuity. They cannot contemplate with equanimity such destruction of themselves and their own monuments. I am not, therefore, just now thinking of India's deliverance. It will come, but what will it be worth if England and France fall, or if they come out victorious over Germany ruined and humbled?

" Yet it almost seems as if Herr Hitler knows no God but brute force and, as Mr. Chamberlain says, he will listen to nothing else. It is in the midst of this catastrophe without parallel that Congressmen and all other responsible Indians individually and collectively have to decide what part India is to play in this terrible drama."

If, on Gandhi's promise of his own personal moral co-operation, the Viceroy had been satisfied and proclaimed to an expectant world, in loud and confident tones, that in Gandhi's promise, he saw the promise of the three hundred and fifty millions of India's population, he would have staggered the nations of the world, in particular, the enemy nations with the background of support he had managed to secure for Britain which stood at the time altogether " alone, and unfriended, " for the dominions themselves were subjected as yet to conflicting sentiments traversing a wide range from the nonbelligerency of Ireland (Eire), through the single voted support of Smuts and South Africa, on to the self-centred decision of Australia and the somewhat remote sense of friendliness of Canada. To Lord Linlithgow and Britain, the problem was whether to rest contented with the unqualified, the spontaneous, the heartfelt, the instinctive support of Gandhi, or seek the material co-operation of India with her unnumbered numbers, with her millions of warriors known alike for their prowess and sacrifice, alike for their skill and strength and alike for their daring and endurance, India with her poverty, want, backward industrial lot, and above all with her apathy and listlessness towards a war that the people could not by any means be persuaded to regard as their own. In other words, the choice lay between the upraised finger of Gandhi calling forth the sympathies of the whole nation for Britain on the one hand, and on the other, the prospect of recruitment in millions, exploitation of the ' barbaric pearl and gold ' of Milton, in crores. No wonder if the choice fell upon the latter and not upon the former, as in the olden days of the war of *Kurukshetra* when a like choice between the moral and material forces confronted Arjuna and Duryodhana.

When the Pandavas had concluded their twelve years of *Aranyavas* and one year of *Ajnatvas*, while yet they were in the court of Virata, King Drupada sent his *purohit* as a mediator to Duryodhana's court to explore all avenues to peace by " easy arguments of love. " By that time, Duryodhana himself had left with his retinue for Sree Krishna's place and on entering the Royal palace found Krishna sleeping. So he went in and seated himself on an exalted seat on the Krishna's head side. Lo and behold entered Arjuna also who, however, in all humility stood at the side of Krishna's feet. Shree Krishna woke up and first saw Arjuna standing at his feet while next he turned aside and saw Duryodhana by the side of his head and enquired of them both the mission which had brought them thither.

Duryodhana said, " we have come to seek your help in the war between us which has now become inevitable. They and we are both equally close relations to you. I have however come here first; good men accept those who first approach them, the moment they see them. You are of an exalted and benevolent nature. Therefore, you must be my ally, considering the way of the world." Thereupon Shree Krishna replied: " You have come here first. That is true. But I have seen Arjuna first. I must therefore offer co-operation to both of you in a manner befitting your position. I now contrive a suitable device. I have 10,000 gopalas, who are the embodiments of the Science and Art of warfare. Adepts in the wielding of weapons like arrows, and other. On one side, you have them who are able to wage war in the name of Narayana. Here am I on the other side, unarmed, passive, (but) an ardent well-wisher. Make your choice between the two. The younger of you two has the first choice. And Shri Krishna looked towards Kiriti (Arjuna) and said, " It is meet that you should express your wish first ". Vijaya (Arjuna) then chose Krishna and being pleased with this, Duryodhana chose the armies of Shri Krishna and with the utmost satisfaction repaired to Balarama's place. Arjuna who chose the moral force, support and co-operation of Shree Krishna won in the battle with Shree Krishna as his charioteer, his guide, philosopher and friend. Could not Linlithgow have made Gandhi his monitor and mentor, his guide, philosopher and friend and won in this war a triumph of Truth over untruth, of non-violence over violence?

The Working Committee met on September 14th, 1939 to consider the situation. The Committee deeply sympathised with the fate of Poland that had fallen a victim to brute force and appreciated the motive of the war in which England and France were engaged, as a war meant for the protection of Democracy as against Imperialistic as well as Fascist powers. At the same time, it felt that its own country had been the victim for over a century and half of the negation and denial of that very democracy for which England affected to be fighting on the side of Poland. Besides, the Committee noted with regret and surprise that while the Dominions were deciding their own participation or otherwise in the war, in their respective Parliaments, the participation of India in the war was taken for granted by England. In other words, England, the Committee realized, had forced the war on India although India was in no way directly or indirectly concerned with it. The Committee while noting with pleasure that the Viceroy had announced on the 11th September that Government had suspended all preparation for the introduction of Federation, while nevertheless keeping the objective of Federation intact, was anxious to state that the long delayed introduction of responsibility in the Central Government as well as the indefinite suspension of the Federal scheme, hitherto contemplated, left an irresponsible Government at the centre which controlled the Provincial Governments in respect of war measures and thereby perpetuated a state of affairs that could not be contemplated with equanimity or in silence.

2. If the Provincial Governments should continue to function not merely in respect of Provincial Autonomy, but in relation to the new war measures of which in the ultimate analysis the Provincial Governments should be the focussing point as well as the operating force, their position should be made clear in relation to the Central Government.

3. Our experience in the past—particularly during the last war had clearly shown that no trust could be placed in the war statements and war promises of the British Government or the Government of India and accord-

ingly called upon them not merely to elucidate their position *vis a vis* the future of India, but address themselves to an immediate application of the principles so elucidated.

The Committee declared that until such a clearing of positions took place, it could not advise the country to extend its fullest measure of co-operation to Government."

Then there was the question of Satyagraha. Satyagraha is a movement in which we should settle our time and place and circumstance. A Satyagraha Movement would mean that we are forced into a fight under Martial Law as it were and in the face of anarchy. Those who promote a fight would visualize things thus. The leaders would be jailed and the country would carry on the struggle. But would not the scenes of Ramadurg and Talcher repeat themselves? We could not take the responsibility for such a contingency. The real likelihood was rather that Martial Law would be proclaimed. The rich would not and public opinion might not favour us remotely or proximately, directly or indirectly, openly or secretly. The result would be a disaster. It might be argued, however, on the other side that to keep quiet, to allow the ministries to function would be to drive matters and ministers to the point of having to arrest X, Y or Z from amongst Congressmen, would in other words be to wipe out the Congress as a political party at the end of the war. The choice then lay between the worse and the better of two evils.

Gandhi was of the view that we must offer our moral support, allow the ministries to function and he had the confidence that through the ministers, he could manoeuvre a declaration of Poorna Swaraj or Dominion Status, a declaration of the next step—the same that Jawahar expected by negotiation. In both cases the contingency of a promise not being fulfilled did exist, but under Gandhi's technique, the chance of the fulfilment of such a declaration was certainly greater. For then a moral obligation would have to be fulfilled, not one arising from negotiation. Gandhi was not swayed by considerations of loyalty but he was acting under a lively sense of our own limitations. It might be that even according to Gandhi's technique, the ministries would have to be given up. The question also must be considered whether we could carry the A. I. C. C. with us. If we could not, let us vacate and let the responsibility for the confusion and carnage be taken by our opponents. Then the issue arises :—"What will be the response, what will be the moral strength of a movement behind which, not only do we not have Gandhi, but against which Gandhi will stand arrayed off and on." Let us even presume the latter contingency will not arise. But Gandhi would certainly be silent and bury himself in Saegaon (Sewagram). His silence would be chilling and killing.

The issues that arose before the mind of the Working Committee were several and varied but they were clear as crystal. The final decision at which the Working Committee had arrived demanding a declaration of Britain's war aims was naturally the result of prolonged discussions in which the problem was looked at from different angles of vision. It would be easily conceived how Gandhi could not readily swallow all the drafts that came before the Committee. Indeed he was not for negotiating on any resolution nor was he even for a demand. He could not even admit of a time-limit under any circumstances. Even if anything was given he was not prepared for receiving it. At the same time, he was against C. D. It is well known that the main portion of the draft was traceable to Jawaharlal and Gandhi felt that with that resolution, Jawaharlal must be the President

and carry with him his own cabinet. Indeed at one stage Rajendra Babu tendered the resignation of his Presidentship and Jawaharlal who had just agreed to join the Working Committee was decided upon to be the successor of Rajen Babu. But they encountered a difficulty for the Constitution would not allow it. The Working Committee was not competent to elect an interim President. It might be remembered that in Calcutta the right of even the A. I. C. C. to elect an interim President was seriously questioned and Gandhi wanted to carry Jawaharlal with him but was unable to do so and perhaps had to allow himself deliberately to be carried by him. It was not an easy position for the rest of the members of the Working Committee. To oppose directly Jawaharlal's view at a time when Gandhi was trying to discover a *via-media* as between themselves would be to interpose avoidable difficulties. Not to do so would be to let go the hold of non-violence in the measure in which Gandhi would like it to be. It was thus that triangular forces came to play upon the question. To evolve a resultant of such a triangle of forces was not an easy matter. Gandhi's contention was that if we should be alive by God's grace we should give a big fight to the British although we were not just then in a position to offer civil resistance for the *saman* with which we must, was not with us as yet. That *Saman* is of course different from the bombs of the British. However strongly one might speak, write and even threaten, the fact remained that at that moment we did not possess discipline in our ranks. The atmosphere was not favourable to any action like civil disobedience. A resolution of the Congress at such a juncture should be such that every word of it must have been weighed and deliberately used for it was calculated to exercise influence upon forces outside India. Jawaharlal's resolution should be passed on condition that he should take up the burden and not merely come and go remaining an outsider giving doubtless valuable advice but nevertheless remaining an outsider. Gandhi's services would always be available for he could negotiate but only standing between Jawaharlal and the Viceroy. He had the principle of non-violence which he could not dismiss. He could only be a mediator and the work must be done by another. That was an understandable position similar to that of his position in relation to the Arms Act. Indeed he had recruited for the army at one time. The vast majority of the Congress did not grasp the kind of non-violence that he contemplated. Such non-violence it would be as might be cited as an example to all the world, as non-violence that secured for the whole of Hindustan a new recipe for self-emancipation. Of course, there are types and degrees of non-violence, personal non-violence in thought, word and deed which would establish a new tradition and environment for the upbringing of children and adults both in home and society so that ere long a state might be reared up on the broad basis of non-violence. Secondly, there is the attitude of non-violence, strictly to be observed in relation to India's subjection to Britain, and the consequent problem of Indian liberation. Finally, there is the place of non-violence in the larger sphere of international affairs where it would be enthroned as the final or bitter of all international disputes. Under such conditions how could the Congress in this the first chance it had of presenting its cult to the world at large, urge from out of its own lips the brave warriors of India to join in a struggle which was not ours and participating in a struggle which had no moral basis or justification. Some would see in such participation, the necessary relevancy if the British succeeded but it is obvious in any case that the dignity of the Congress was flouted with the result that we could not tolerate the resulting state of things.

The Congress as an institution could not take a neutral position as it had taken in respect of communal award. Would it be possible for instance if the ministers resigned for them to be neutral? A lead had to be given to the country of a two-fold character one practical and two executive and moral. Of course there are some who are anxious that it should not be religious but considering the political character of the Congress, it was felt that we had to face the problem in its political bearings as for instance when a whole regiment came to a member of the Working Committee and asked " we are being taken to Singapore, shall we go or not? " The question is should not a reply be given to such an enquiry? At least an expression of opinion if not active propaganda would be our duty. Such a position, however be combated on the score that it was a position of convenience wherefrom to avoid trouble. But such criticism could easily be combated by asking whether we are always picketing because we uphold prohibition. Some would, however, look at the problem not from the standpoint of violence or non-violence but would discuss the real problem as they call it. Whether, you speak in silence or in a loud voice you must aggressively, publicly and determinantly state that we should not be entrapped in the snare.

The issues then were whether we should co-operate or whether we should negotiate. Now we proceed to the consideration of latter. Gandhi clearly felt that there was not the atmosphere for negotiation and made it equally clear that he at any rate had not the confidence. The difficulty with the younger section was that they complained that the country was not given the benefit of Gandhi's influence. " You must give the word and we shall do the rest. " That was the attitude. In the aggregate then Gandhiji pointed out the bear fact that his shoulders were not strong enough for negotiation and that Jawaharlal must bear the burden. A peculiar position was created in which the old time adherents of Gandhi felt that they could not go all the way with him or with Jawaharlal. If, therefore, the latter should shoulder the burden they would be a burden on him. It was therefore necessary that Gandhi and Jawaharlal should agree and lead or the latter should have full play being invested with full dictatorial powers and having his own cabinet so that a ' crowd ' would be avoided. This is a practical view of the matter. But there was the logical view according to which if we were to have a struggle with the British Government, it must be on the basis of non-violence. Such a struggle required a leader. The socialists also wanted Gandhi to be the leader. That should be possible under the formula which combined the leadership of both in the existing crisis. We had no quarrel with the Germans. If we had been a free nation, we would never have fought against them. But we could not think and act as if we were a free nation. It was easy to say in some transport of enthusiasm or in a fit of passion that if we were satisfied we could give all possible help but to expect the Viceroy to commit *hara-kiri* as far as the future was concerned in order to make it possible to render such help or to say that there would be no Viceroys thereafter and nothing short of partial control over centre and full control over the provincial Government would satisfy us,—such positions and attitude would take us into the pale of negotiations. There were people then who wanted immediate fight, others were planning a contingent fight. In either case two issues emerged:

(1) If we got what we wanted what help would we give?

(2) If we did not get what we wanted what action (fight) would we take?

It need hardly be said that in no case was it contemplated that the Congress leaders should be Sergeant Generals. We might not deal with military matters at all but deal with matters, like food. The draft before the Working Committee was according to some such as would make negotiations impossible, not merely in the sense that at that stage at the commencement of the war should concede our demand then and there, but even in the more practical sense of bringing about an understanding between the two nations,—India and Britain. We were still holding office. The issue must be decided as early as possible whether the ministers should co-operate or non-co-operate. The Defence of India Act was about to pass. The Britisher is a creature of law and the constitution. Sir Stafford Cripps who was at Wardha was saying that he as an Englishman could offer India only what Parliament could offer. "Independence,—you can take yourself." In effect then our procedure should be an inverted process in which we study our data and determine our objective and work down and back to the attitude and steps we take. Subhas Bose's immediate fight and Jawahar's contingent fight were both meant for the same purpose of compelling Government to yield. Subhas Babu attended the meeting for a short while on invitation. The view was again and again pressed upon him that it would be fine if India and Congress acted as one man and spoke in one voice, but in vain. Gandhi again and again reverted to the view that Jawaharlal should be the president of the Congress and should take *reins* in his hands. But such a change of horses in the mid-stream would, it was felt, give rise to interminable suspicion of division in the camp where none existed especially after 7 days of secret cogitations, the nature of which had not leaked out. Gandhi made it plain that he could not take any part with this draft and yet would not allow it to be recast. His position appeared to be this, "You friends have no faith in non-violence. This was evident even in last month when my resolution was 'defeated'."

Almost the same thing happened in September, 1939. Gandhi found himself out of tune with the Working Committee, not that he would not have had a majority if the meeting were explored that way but that Gandhi is always against counting hands, he would rather go by the hearts. Accordingly, Gandhi was clear that Jawahar's draft should be the basis but that he could not act upon it, that Jawahar should bear the responsibility for the negotiations and to that end, he should be made the President. Such a proposal sounded strange. But in fact, three days prior to this, Rajendra Babu had gone to Sevagram (Shegaon) and offered his resignation. The reasons might be several. Did he feel that he was not made for the coils and moils of diplomacy? Or did he take to heart that certain events that had taken place during the previous week were not known to him—the invitation to Subhas, Gandhi's visit to the Viceroy. The proposal, however, to make Jawaharlal the President had been, as already explained, short-circuited by the constitutional difficulty. An alternative proposal to constitute a War-Committee was mooted only to be approved forthwith. Jawahar was to be its President and would select his own colleagues. The choice fell upon Vallabhbhai and Abul Kalam Azad. The draft resolution was read over a second time, a few verbal amendments were made and it was accepted.

Why is it that Gandhi took up this attitude and excuse himself? He knew Jawaharlal's opinion that whatever he himself might think, he (Gandhi) was the most dangerous negotiator and that Jawaharlal had confidence in himself that he could negotiate. When therefore the day's work was

concluded, it only remained for the Committee to secure a confirmation of its decision by the All India Congress Committee to be convened at Wardha in October and to get the Congress Legislatures to put forward this demand from the floor of the Provincial parliaments. It was during the sittings of the Working Committee between September 9th and 15th that the King's message to India was sent on the 11th in which His Majesty hoped to be able to count upon the sympathy and support from every quarter of the Indian continent in the face of common danger. "Britain is fighting for no selfish ends," said he, "but for the maintenance of a principle vital to the future of mankind." At the close of his address to a joint session of the Central Legislature, at the commencement of which the Viceroy had read the King's message, the Viceroy announced the suspension of the work in connection with preparations for Federation while retaining Federation as the objective. Shortly after Gandhi had occasion to comment on the manifesto of the Working Committee of the Congress which is extracted in full here, for it is impossible to abridge it:—

"The Working Committee's statement on the world crisis took four days before it received final shape. Every member expressed his opinion freely on the draft that was at the Committee's invitation, prepared by Pandit Jawaharlal Nehru. I was sorry to find myself alone in thinking that whatever support was to be given to the British should be given unconditionally. This could only be done on a purely non-violent basis. But the Committee had a tremendous responsibility to discharge. It could not take the purely non-violent attitude. It felt that the nation had not imbibed the non-violent spirit requisite for the possession of the strength which disdains to take advantage of the difficulty of the opponent. But in stating the reasons for its conclusion the Committee desired to show the greatest consideration for the English. The author of the statement is an artist. Though he cannot be surpassed in his implacable opposition to Imperialism in any shape or form, he is a friend of the English people. Indeed he is more English than Indian in his thoughts and make-up. He is often more at home with Englishmen than with his own countrymen. And he is a humanitarian in the sense that he reacts to every wrong, no matter where perpetrated. Though, therefore, he is an ardent nationalist, his nationalism is enriched by his fine internationalism. Hence the statement is a manifesto addressed not only to his own countrymen, not only to the British Government and the British people, but it is addressed also to the nations of the world including those that are exploited like India. He has compelled India, through the Working Committee to think not merely of her own freedom, but of the freedom of all the exploited nations of the world.

"The same time that the Committee passed the statement it appointed a Board of his choice with himself as Chairman to deal with the situation as it may develop from time to time. I hope that the statement will receive the unanimous support of all the parties among Congressmen. The strongest among them will not find any lack of strength in it. And at this supreme hour in the history of the nation the Congress should believe that there will be no lack of strength in action, if action becomes necessary. It will be a pity if Congressmen engage in petty squabbles and party strife. If anything big or worthy is to come out of the Committee's action, the undivided and unquestioned loyalty of every Congressman is absolutely necessary. I hope too that all other political parties and all communities will join the Committee's demand for a clear declaration of their policy from the British Government with such corresponding action as is possible amidst

martial conditions. Recognition of India and for that matter of all those who are under the British Crown, as free and independent nations seems to me to be the natural corollary of British profession about democracy. If the war means anything less, the cooperation of dependent nations can never be honestly voluntary, unless it were based on non-violence. All that is required is mental revolution on the part of British statesmen. To put it still more plainly, all that is required is honest action to implement the declaration of faith in democracy made on the eve of the war, and still being repeated from British platforms. Will Great Britain have an unwilling India dragged into the war or a willing ally co-operating with her in the prosecution of a defence of true democracy? The Congress support will mean the greatest moral asset in favour of England and France. For the Congress has no soldiers to offer. The Congress fights not with violent but with non-violent means, however imperfect, however crude the non-violence may be."

This was followed by the newly appointed war sub-committee's circular to Provincial Congress Committees in which they advised that "we must not individually or severally act or speak hastily, precipitating a development before its proper time."

It must be admitted that the War Sub-Committee had a short lived existence of little activity for it was not renewed at Ramgarh and during the interval between September 16th, 1939 and March 19th, 1940 (Ramgarh) it did little work of any importance. On the 26th of September emanated the first statement of Lord Zetland in the House of Lords,—the first of a series of statements which closed with his swan song in April 1940 when he made room at the White Hall for his successor, Mr. L. S. Amery. These statements—whether of the one or the other were all cast in the same mould and followed the same dull pattern which was originally prepared. They evoked suitable replies from time to time but carried India no further. Their reactionary and provocative character compelled the Congress to wash its hands of all connection with war and administration. High appreciation of the support accorded to Government by all classes in India was the keynote of these speeches. The Princes with their most generous offers of men, money and service and individuals in all parts of the country with their messages of sympathy and support were the subjects of particular mention while the Prime Ministers of Punjab and Bengal pledging their unconditional aid were singled out for the expression of special gratification. Lastly the support which the ministers in all the Indian provinces accorded to the Governors while yet they were in office came in for very real appreciation by His Majesty's Government. Then comes a reference to the statement issued by those who have been authorised to speak for the Indian National Congress and the difficulty they find in co-operating with Great Britain in the prosecution of the war except upon conditions affecting the political relation of these two countries. The next day Lord Zetland quoted Lord Snell's remarks in his reply to the debate that it was natural though rather ill-timed that the leaders of the Congress "should take this opportunity of reasserting their aims towards a fuller form of Self-Government than they at present possess." With an air of condescension his lordship quite appreciated the fact that it is natural, bore testimony to the burning patriotism of the many of the Congress leaders whom he said he knew, but naively that they sometimes lost sight of, while lifting their eyes to the stars, of the practical difficulties which stood in the way on the ground at their feet. Then he sharply rated the Congressmen that they should have taken this occasion to

re-emphasise their claims. He described the British temperament as being susceptible to a treatment which they regarded as honourable and appropriate to a particular occasion. And patronisingly stated that they would be very much more willing when the time came to listen to the claims made to them than if they are animated by the spirit of resentment, choosing a movement, which was embarrassing to them in their life-and-death struggle. He agreed "that it was a tremendous advantage to India that there are tremendous number of ardent Indian nationalists who had the advantage of experience in the actual work of administration." "It would be a calamity," he added, "if such men at this time, were to withdraw from Government in the provinces." In one word, the speech was a sharp reprimand to the leaders of the Congress that "the time should have been ill-chosen by them for a reiteration of their claims."

Gandhi had a second long talk with the Viceroy on the previous day—26th September and on the 28th he gave his reply to Lord Zetland.

"An advance copy of Reuter's summary of the Lords' debate on Indian affairs has been shown to me. Perhaps silence on my part at this juncture would be a distinct disservice both to India and England. I was unprepared for the old familiar flavour in the debate in the shape of drawing comparisons unflattering to the Congress. I maintain that the Congress is an all-inclusive body. Without offence to anybody it can be said of it that it is the one body that has represented for over half a century, without a rival, the vast masses of India irrespective of class or creed. It has not a single interest opposed to that of the Musalmans or that of the people of the States. Recent years have shown unmistakably that the Congress represents beyond doubt the interest of the people of the States. It is that organisation which has asked for a clear definition of the British intentions. If the British are fighting for the freedom of all, then their representatives have to state in the clearest possible terms that the freedom of India is necessarily included in the war aim. The content of such freedom can only be decided by Indians and them alone. Surely it is wrong for Lord Zetland to complain as he does, though in gentle term, that the Congress should at this juncture when Britain is engaged in a life-and-death struggle, ask for a clear declaration of British intentions. I suggest that the Congress has done nothing strange or less than honourable in asking for such a declaration. Only a free India's help is of value. And the Congress has every right to know that it can go to the people and tell them that at the end of the war India's status as an independent country is as much assured as that of Great Britain. As a friend of the British, I, therefore, appeal to English statesmen that they will forget the old language of imperialists and open a new chapter for all those who have been held under imperial bondage."

The President of the Congress-War Sub-Committee, went a step further. He drew attention to the fact that the Working Committee's statement was conceived not only on behalf of India but on behalf of vast numbers of people in the world, "in order to bring some measure of hope in the despairing hearts of humanity." Jawaharlal hit the nail on the head when he said "Lord Zetland speaks in terms of yesterdays that are dead and gone. He might have delivered his speech twenty years ago." And he proudly pointed out that "we have not put forward any demand in the spirit of the market place." His goal was crystal clear before his vision when he said "We must be convinced of that world freedom and we must see India in the picture of that world freedom. Then only will war have meaning for us and more, our minds and hearts, for then we shall be struggling and suffering

for a cause that is worthwhile not only for us but for all the peoples of the world. Because we feel that as a large number of British People have the same world ideals as many of us possess in India, we have offered them our co-operation in the realisation of these ideals. But if these ideals are not there what do we fight for ? Only a free and consenting India can throw her weight for ideals that are openly proclaimed and acted upon." A procession of interviewers passed the Viceregal House in which the Viceroy had the advantage to quote his own words, of a full and frank discussion with no fewer than 52 people including Gandhi, Rajendra Prasad, Jawaharlal Nehru, Sardar Vallabhbhai Patel, Subhash Babu, Mr. Jinnah and other members of the Muslim League, with the Chancellor of the Chamber of Princes and with a a great variety of persons prominent in the political life of India.

In due course, the All India Congress Committee met at Wardha on October 9 and 10 and confirmed the statement of the Working Committee as well as the formation of war emergency Sub-Committee. It urged "an extension of democracy to all colonial countries and the application of the principle of self-determination to them so as to eliminate imperialist control. In particular, it demanded that India must be declared an independent nation and present application must be given to this status to the largest possible extent.

India is one and indivisible and without the States she would be lame, limpid and paralysed. It is fortunate that at this crisis Indian India comprising the 562 States and 'British' India with its eleven provinces should have been brought together under one combined and compact leadership. The latest sitting of the All India States' People's Conference was presided over by Jawaharlal Nehru at Ludhiana in February 1939 and in October that year he was playing the duel role of the President of the War Committee of the Indian National Congress and the President of the All India States' People's Conference. The Standing Committee of this conference issued on October 11th, a statement of their own in which the Committee desired " to associate themselves fully with the Working Committee and with the resolution of the A.I.C.C. on the war crisis "Believing as they do in the unity of India and common freedom for all the People." The statement proceeded, "they record their deep satisfaction that the Congress has at this critical juncture given powerful voice to the demand of the Indian People for democratic freedom. In this freedom to come the people of the State must be equal sharers and they must be prepared to take up equal responsibility." The Standing Committee, therefore, associated themselves with the request made by the Congress to the British Government for a full and unequivocal statement of Britain's war and peace aims. In passing the statement made the observation referring to the profuse offers of the rulers of the States and their support of the cause of democracy in Europe, it is incongrous in the extreme that such profession should be made while undiluted autocracy prevailed in the States. The Committee, therefore, invited the various rulers to declare that they accepted the objective of full responsible government in the States and undertake to give effect to it in the largest possible measure in the immediate future. Finally, the Standing Committee desired to make it clear that the rulers could expect no co-operation from the people unless those fundamental changes were made and the governance of the States was carried on with popular consent and through popular representatives.

The patience of the nation sorely tried for over a month and a half had elapsed since the outbreak of war and yet the Viceroy was receiving visitor after visitor so much so that he succeeded in generating in certain but

increasing number of quarters a craze for invitation for Viceregal Lodge. It was well known how, Lord Linlithgow was in the habit of bending down his head and taking profuse notes of all that he heard. And the 52 good men and true with whom he had the advantage of 'full and frank discussion' and the conversations with these representatives of so many different points of view revealed as was only to be expected, "marked differences of outlook, markedly different demands and markedly different solutions for the problems that lie before us. Again, and that too what might have been expected at a time such as the present, reservation or demands for special protection on one side have tended to be balanced by proportions for still more marked constitutional changes on another." In these words did His Excellency the Viceroy begin the discussion on 'Britain's policy to India' in his statement issued on the 18th of October 1939. There is little doubt that if only the Viceroy had continued his arduous labours, he would have learnt of still more differences which would be as interminable as the number of consultations that he had. Instead of taking the resultant of these conflicting forces, he was overpowered by bearing in mind all those ' differences' of view deeply and sincerely held, "—and with them in mind framed the issues and gave the findings." The essential matters on which in his view, a clarification of the position was beyond any question desired were first,—what are the objectives of His Majesty's Government in the war, to what extent are they of such a character that India with her long history and great tradition can, with a clear conscience, associate herself with them ?

*Second.*—What is the future that is contemplated in the constitutional sphere for the Indian continent in relation to the ultimate status envisaged for India as far as the British Commonwealth is concerned ?

*Third.*—In what way could the desire of India and of Indian Public Opinion for a closer association and an effective association with the prosecution of the war best be satisfied? The answers to these issues was readily given. "His Majesty's Government have not themselves defined with any ultimate precision their detailed objectives in the prosecution of the war. It is obvious that such a definition can come only at a later stage in the campaign, and that when it does come, it cannot be the statement of aims of any single ally. There may be many changes in the world position and in the situation that confronts us before the war comes to an end, and must depend upon the circumstances in which it does come to an end and in the intervening course of the campaign." A better international system which will mean that war is not to be the inevitable lot of each succeeding question was all that was quoted by the Viceroy from the 'general aims' stated by the Prime Minister.

Then arises the question of India's future and the lines of our constitutional development. In answer to this, the Viceroy gave a catagorical history from the time of the Montford Reforms, the Preamble of the Act of 1919, Lord Irwin's interpretation of that Preamble, that "the natural issue of India's progress as they contemplated is the attainment of Dominion Status." And thirdly, the instrument of instructions laying the direction " that the partnership between India and the United Kingdom within our empire may be furthered to the end that India may attain its due place amongst its dominions. Finally, the Viceroy pointed to the Act of 1935 which was based as he said "on the greatest measure of common agreement which it was possible to obtain at the time when it was framed." But the Viceroy conceded that " when the time comes to resume consideration of the plan for the future federal Government of India and of the plan destined

to give effect to the assurances given in Parliament, it will be necessary to reconsider in the light of the then circumstances to what extent the details of the plan embodied in the Act of 1935 remain appropriate." The Viceroy further promised consultations with the representatives of several communities, parties and interests in India and with the Indian Princes with a view to secure their aid and co-operation in the framing of such modifications as may seem desirable. In one word, at the end of the war, His Majesty's Government will be prepared to regard the scheme of the Act as open to modification in the light of Indian views. The Viceroy proceeds to refer to the Minorities who urged that full weight should be given to their views and to their interests in any such modifications. He is fully aware, he adds, of a desire in some quarters for a " more extensive scheme" and for some even more widely phrased indication of the intentions of His Majesty's Government. But two things are necessary,—*one*, that the situation must be faced in terms of world politics and of political realities in the country, *two*, that the largest measure of agreement practicable should be achieved in matters of this nature affecting the future of tens and millions of people, affecting the relations of great communities, affecting the princes of India, affecting the immense commercial and industrial enterprises, whether Indian or European in this country. The Viceroy then turns to the arrangements to be made to secure the association of public opinion in India with the conduct of the war and to that end, the establishment of a consultative group. It may be mentioned in passing that this group had at last been brought into being 20 months afterwards, that is, on the 22nd July, 1941. Finally, he exhorts people, "I would urge insistently that this is not a moment at which to risk the splitting of the unity of India on the rock of particular phrases and I would press that we should continue to aim at the unity of India even if differences of greater or less significance continue to exist." Verily the Viceroy abhors phrases but seems to love long sentences the length of which is commensurate with the length of the processes involved in India's way to Swaraj. Here is a sentence of 136 words which baffles grammar and rhetoric alike.

" I am convinced myself if I may say so with the utmost emphasis, that having regard to the extent of agreement which in fact exists in the constitutional field, and on this most difficult and important question of the nature of the arrangement to be made in expediting and facilitating the attainment by India of her full status, there is nothing to be gained by phrases which, widely and generally expressed contemplate a state of things which is unlikely to stand at the present point of political development the test of practical application or to result in that united effort by all parties and by all communities in India on the basis of which alone India can hope to go forward as one and to occupy the place to which her history and her destinies entitle her." Gandhi's reply to this is as short as it is long and as terse as it is verbose.

" The old policy of divide and rule is to continue. The Congress has asked for bread and it got stone. The Congress will have to go to wilderness again before it becomes strong and pure enough to reach its objective. The Congress President Rajendra Babu characterised the Viceroy's statement as disappointing to the extreme but not at all surprising. The President of the War Committee considered it as " a complete repudiation of all that India stood for nationally and internationally. It is a statement which would have been out of date twenty years ago, today it has absolutely no relation to reality." It is the practice of the British Government to make simultaneous statements in India, both by the Viceroy in India and by the Secretary of State in British Parliament. It is true that as it suited

the convenience of the British administration, the Government of India has been described as a subordinate branch of British Government. But as against this there have been several occasions on which the declaration has been made that Indian reforms emanated neither in response to the agitation of the people from below nor in response to the orders from the Secretary of State from above, but out of the heart of the Government of India, out of the latter's own initiative. In the end, at any rate, the pendulum having kicked to one side and to the other has stood in the middle position and the simultaneous delivery of speeches and statements has become the order of the day though on very important occasions* the Secretary of State spoke six days after the Viceroy. On the 18th of October in the House of Lords, Lord Zetland made a statement in which after briefly enumerating the events in India immediately preceding and following the invasion of Poland by Germany he described how " the most numerous and the most powerful political party in India, the Indian National Congress had committed itself sometime earlier to a specific attitude in the event of war breaking out in which Great Britain was involved, " he referred to the instructions of the Working Committee in August to the Congress members of the Central Legislative Assembly to refrain from attending the forthcoming session because exception was taken to the despatch of external defence troops from India to Egypt and Aden and Singapore. " It would clearly have been the height of folly, " said he, " to have given the world the discussion in the legislature advance notice of our military dispositions. Nevertheless both the Viceroy and I were anxious to take into confidence the leaders of political parties in the Assembly including of course the Congress Party. " Did His Lordship imply that this intimation was tantamount to consultation and securing of permission? And when it was obviously not so, was it his Lordship's grievance that these leaders did not raise a howl in the press or on platform ? The complaint would not lose its point because political leaders were intimated the movements of Indian troops to places beyond the seas. Surely His Lordship could admit that whatever news was broken to the political leaders was conveyed in strict confidence and with the charge of absolute secrecy. This is by the way. Lord Zetland proceeds to the subject of the outbreak of the war and states how " the Viceroy with my full knowledge and approval has been in close touch with the most outstanding figure of the Indian political stage—Mahatma Gandhi, and here may I pause for a moment to pay a personal tribute to Mr. Gandhi known to and beloved by the people of India for the readiness which he had shown not only to interpret to us the viewpoint and aspirations of the Congress but to endeavour and appreciate in his turn our viewpoint and difficulties and further more the help he has most willingly given us in our endeavours to surmount them. " Naturally Lord Zetland dwelt on the outcome of the interview, " for Mr. Gandhi has himself stated publicly that speaking in his purely personal capacity—for he was not authorised to speak for the Congress—his view was that in the struggle upon which the country had entered, India must give us unconditional support. " The comprehensive statement of September 15th of the Working Committee, His Lordship added, was printed as an annexe to the Viceroy's statement as also the statement of September 18th of the Muslim League. The former according to him " while condemning unequivocally the action of the German Government made it clear, that before, as a party they decided to give us their support, they

* The famous statement of the Viceroy of August 8th embodying the proposals for India reform during the war was followed by Secretary of State's Statement on 14th of August.

would wish to be informed of their war aims and in particular how these aims would apply to India." From the latter, it was apparent, that while Muslims equally with the Congress unhesitatingly condemned aggression of which the Nazi Government had been guilty, there was between their view and that of the Congress regarding the internal political situation a substantial divergence. His Lordship then narrated certain facts and events and on the constitutional question observed :—" Even in the case of a written constitution, provisions of the statute are no more than the bony skeleton of a structure, flesh and blood which give it life and vigour are added day by day by those engaged in working it. With the framework practices take root and conventions grow up. The constitution becomes a living and growing organism deriving form and substance from its environment × × × what we have to work for is elimination of communal antagonisms which still militate against the political unity of India. × × × Of course there can be no going back in the constitutional field in India." Lord Zetland stated with regard to the composition of the proposed consultative committee, would not be a nominated body at all. " The panels are either going to be nominated or elected by political parties themselves."

The Working Committee lost no time in declaring the Viceroy's statement " as wholly unsatisfactory and calculated to rouse resentment. It is merely an unequivocal reiteration of the old imperialist policy. The differences among several parties are only a screen to hide the true intention of Great Britain. The Congress has always stood for the amplest guarantees of the rights of minorities × × ×. The Viceroy's statement is in every way unfortunate. In the circumstances, the Committee cannot possibly give any support to Great Britain for it would amount to an endorsement of the imperialist policy which the Congress has always sought to end." Serious decisions were taken. The Congress Ministries were to resign. All internal controversies were to be ended and Congress Committees while being prepared for all eventualities and developments were required to show restraint of word and deed so that nothing might be said or done which was not in keeping with India's honour or the principles of the Congress. The Committee warned Congressmen against any hasty action in the shape of Civil Disobedience, strikes and the like and added that itself would not hesitate to guide the country to take further steps whenever necessity arose.

The Parliamentary Sub-Committee with the approval of the Working Committee issued the following instructions for the guidance of Ministries and Congress parties in the Congress provinces :—

" The resolution of the Working Committee calls upon Congress Provincial Governments to tender their resignations. These resignations should be given after the Assembly meetings which have been convened for the purpose of discussing such urgent business as may be pending but it is expected that resignations will be tendered by October 31, 1939.

" The Central Provinces and Orissa Assemblies have been convened to meet at the beginning of November and the Provincial Governments in these provinces will remain in office till after this meeting.

" Speakers and Deputy-Speakers and members of the Assemblies, Presidents and members of the Councils are expected to retain their offices and seats. Ministers and Parliamentary Secretaries are the only persons who are at present expected to resign.

" With regard to the resolution to be moved in the Assemblies on war aims, suitable amendments should be made in view of the new developments."

The following resolution was moved by Premiers in the Provincial Assemblies of Madras, Central Provinces, Bihar, U. P., Bombay, Orissa and North West Frontier Province:

"This Assembly regrets that the British Government have made India a participant in the war between Great Britain and Germany without the consent of the people of India and have further in complete disregard of Indian opinion passed laws and adopted measures curtailing the powers and activities of the Provincial Governments.

"This Assembly recommends to the Government to convey to the Government of India and through them to the British Government that in consonance with the avowed aims of the present war, it is essential in order to secure the co-operation of the Indian people that the principles of democracy with effective safeguards for the Muslim and other minorities be applied to India and her policy be guided by her people; and that India should be regarded as an independent nation entitled to frame her own constitution and further that suitable action should be taken in so far as it is possible in the immediate present to give effect to that principle in regard to present governance of India.

"This Assembly regrets that the situation in India has not been rightly understood by His Majesty's Government when authorising the statement that has been made on their behalf in regard to India and in view of this failure of the British Government to meet India's demand this Assembly is of opinion that the Government cannot associate itself with British policy."

The Premiers explained at length the implications of the resolutions in the light of the resolutions passed by the Working Committee from time to time since the outbreak of the war in Europe and the crisis arising therefrom in India. The amendment proposed by the Muslim League party was rejected by the Assemblies.

The Muslim League amendment was as follows:—

"This Assembly recommends to the Government to convey to the Government of India and through them to His Majesty's Government that they should, when considering the question of India's constitution either during the duration of the war or after it is concluded, bear in mind that the democratic parliamentary system of Government under the present constitution has failed, being utterly unsuited to the condition and genius of the people and, therefore, apart from the Government of India Act of 1935, the entire problem of India's future constitution should be wholly reviewed and revised *de novo* and that the British Government should not make any commitment in principle or otherwise without the approval and consent of the All India Muslim League, which alone represents, and can speak, on behalf of the Mussalmans of India, as well as without the consent of all important minorities and interests."

The resolution as originally moved, was passed by large majorities in the seven provinces. In U. P. and C. P. Assemblies it was passed with slight amendments which were accepted by the Congress party.

It was in accordance with these instructions that the Provincial Ministries resigned, one after another all within a fortnight, Madras leading with its resignation on October 28th. It need hardly be added that the required resolutions were passed by the different Congress Legislatures.

On the very day on which the Ministry of Madras resigned a parliamentary debate was going on in the Commons, which was raised on India

by Capt. Commander Wedgewood Benn, Ex-Secretary of State for India in which Sir Samuel Hoare, another Ex-Secretary of State for India was the principal spokesman. At the very outset Sir Samuel Hoare laid down the healthy rule that " when political opponents meet, it is better not to regard Government as a holy of holies into which only the orthodox dare enter. " He referred to his fellow Harrowenian—Pandit Nehru. He rejoiced over " the eleven great Democratic Governments which have come into being in India and join their forces with the Democratic peoples of the World." " I am glad to think that if some of our hopes were dupes, at any rate most of our fears would have proved to be snares and that today we can claim that in a world in which there have been a great many constitutional clashes in recent years, there stands out this great constitutional success of provincial autonomy in India." He described how the Congress, admittedly the greatest party in India, rejected the proposal regarding the consultative committee and referred to the fact that " some of the most important discussions that took place over the Government of India Act, centred round the pledge of Dominion Status and the aim of the Indian policy." " There are no two kinds of Dominion Status as some people seem to think," said he, × × × " Dominion Status is not a prize that is given to a deserving community but recognition of facts that actually exist. × × × If there are difficulties in the way, they are not of our making. × × It must be the aim of Indians themselves to remove these divisions just as it should be our aim to help Indians in their task. × × × We showed our good faith when we made the communal award × × but in spite of our award, these divisions still exist and until they are removed, we have responsibilities to the minorities that we cannot reupdiate × × × The Princes are afraid of domination by British India, the Muslims are firmly opposed to the Hindu Majority at the centre. The Depressed classes and other minorities genuinely believe that responsible Government, meaning a Government, dependent on the Hindu majority, will sacrifice their interests. These anxieties still exist and as long as they exist, it is impossible for Government to accept the demand for immediate and full responsibility at the centre on a particular date.

" The Congress, in my view, with undue haste, has assumed that the Viceroy's consultative committee means nothing ; that it is merely a device for the purpose of postponing constitutional advance × × I feel that the Congress has been too hasty in their repudiation of this proposal." Sir Samuel clearly said that consultations such as of the type of Chelmsford and Montagu discussions were not possible at that stage of this war for they had taken place then three years after the war had commenced, and that without giving a definite answer to it, he could still say that he was convinced " that in the present circumstances, it is impossible to accept an alternative of that kind." Speaking of that other alternative of non-co-operation, he said it might put the clock back for years. × × It leads to Civil Disobedience, to breaches of Law and order and to a vicious circle of rioting and repression from which we had hoped to have escaped for ever. " Finally he said :—

> " We have long ago set aside imperialistic ambitions. We believe that our mission in the world is not to govern other people but to help other people to govern themselves. "

These sentences partly conciliatory and partly threatening evoked the plain question from Gandhi " Has Dominion Status for India any meaning

unless it is synonymous with Independence? Has the India of his (Sir Samuel's) imagination the right to secede from the Commonwealth? ×× If the British have shed imperialistic ambition, the proof of it should be forthcoming even before it is statutorily declared independent." With equal firmness and propriety did Rajendra Babu, the President says :—"Let the British Government throw on Indians the responsibility of producing an agreed constitution without any interference from outside and promise to give statutory effect to it." That will be a genuine offer. Without it all talk of protection of minorities looks like an excuse for perpetuating the *status quo*".

## CHAPTER VII

### Post-Resignation Era

The Congress had passed another mile-stone in our march to freedom. The Provincial Ministries in eight provinces all resigned in one stroke. How many years of toil and suffering, of negotiation and adjustment lay behind these Ministries ! It was as if a work of Art constructed after half a century of planning and preparing was smashed to smithereens by one incendiary—to be up to date in our language and ideology. Could the Congress rebuild it all and when ? Would the Congress ever return to power and how ? Those were the questions on every one's lips—be he friend or foe. Some of the ministers themselves playfully and jocularly stated that they were all taking a three-month holiday. But every joke has a core of truth to be sure. The Congress, however, had no such misapprehensions. It had a very real sense of the toils and moils that lay ahead. The British Government was not the problem to Gandhi. There were two internal foes or problems. How shall the Congress handle the attitude of the Muslim League by no means friendly to it and how shall the Congress ensure that measure of non-violence the observance of which appeared ever so uncertain, by the Congressmen themselves. It was easy to rouse passions and even stimulate hopes by a step—such as the resignation of ministries, which was as unexpected as it appeared to many uncalled for. Once the step was taken, the whole future hung thereon and the situation created by this momentous step opened out before even Gandhi's vision a yawning gulf into which he took a peep and from the edge of which he gave expression to the following thoughts soon after the Parliamentary Debate and Sir Samuel Hoare's sable-rattling speech.

### THE NEXT STEP

Immediately after, Gandhi was invited to a visit to the Viceroy, the third of the series, on the 1st November in company with Rajendra Babu. Mr. Jinnah was also present at the Viceregal Lodge. Gandhi and Jinnah met independently too. The talks not only bore no fruit but the comparing of notes with both parties helped the Viceroy to raise new issues in the problem which arose for the first time and served as fruitful sources of complication. The Viceroy put in black and white and in concrete form the proposition he put to the visitors. " The proposition which I invited you and the other gentlemen present to consider as leaders of the Congress and Muslim League given the great importance of ensuring harmonious working at the centre, you should enter upon discussions between yourselves with a view to discovering whether you could reach a basis of agreement between yourselves in the provincial field consequent on which you could let me have proposals which would result in representatives of your two organizations, immediately participating in the Central Government as members of the Executive Council ". In the sentence—which by the way has ninety-one words in it,—the Viceroy changed the whole issue, not that the problem of minorities, communities and interests and the States was not present in the earlier discussions, but that what had hitherto been supposed to concern the Central

Government, was now quietly extended to 'an agreement in the Provincial Field.' This was really as much as to say that there should be coalition ministries in the eight Congress Provinces. Then the Viceroy gave a summary of his points in regard to arrangements at the centre—which made the arrangement an *ad hoc* one for the duration of the war,—with one or more representatives of other groups, new members enjoying equal privileges with old, all within the general scheme of the existing law. For the rest, he repeated the usual plan of fresh consultations in time after the war. In reply, the President repeated what was made clear in the conversation itself and only added that even after full talks with Mr. Jinnah, the Congress could not vary the answer given, for they missed any reference to the main and moral issue raised by the Congress about the clarification of the war aims. The present crisis, it was pointed out, was entirely political and was not related to the communal issue in India.. The issues raised by the Congress on September 14th were,—

(*a*) declare war aims,
(*b*) how would they apply to India,
(*c*) arrange a Constituent Assembly without externa influence,
(*d*) declare India an Independent nation and give present application to this status,
(*e*) Indian freedom must be based on democracy, unity and the full recognition and protection of the rights of all minorities.

What the Viceroy did was to drag in this connection, the communal question while it was the earnest desire of the Congress to settle all points of communal controversy by agreement. The declaration of India's freedom had become all the more necessary in view of the latest developments in the European war.

Mr. Jinnah was naturally jubilant and wrote to the Viceroy on the 4th November, 1939 and stated that he met the leaders of the Congress only to be informed by them that they could not discuss any question with regard to matters referred to in the Viceroy's letter of November 2. Popular resentment and public disapproval rose to a high pitch and were not assuaged even by " the profound regret " with which the Viceroy prefaced his broadcast statement on the 5th of November, announcing the failure of the conversations on the question of " that measure of agreement in the provinces, which in their view would enable them to put forward proposals for a constructive advance at the centre, for the period of the war, such as would be represented by some expansion of the Governor-General's Executive Council, and by the inclusion in it of some political leaders. "

The Viceroy added to his " profound regret ", an equally profound " disappointment " at having " to use the emergency provisions inserted for that purpose in the Government of India Act " which " are an expedient and not a sanction," and quoted in paraphrase the text upon the great gateway at Fatehpur Sikri saying,

" Life is a bridge—a bridge that you shall pass over. You shall not build your house on it." which in Arabic original reads as follows :—

" Kun, fid Duniya ka anna, Ka-garib-o-ka Abiris Tabin "

A slightly different version of this says :—

" Jesus said—on whom be Peace, This world is a bridge, pass over it but build no house on it. "

Let us review the positions so far taken up by either side.

The Congress had asked for war aims, their application to India and an earnest of the latter in the actual Government at the Centre.

The British replied by saying that their war aims even for Britain were not defined. Therefore for India could they be much less defined. And when war aims could not be defined either for Britain or for India there would be nothing to implement. Responsibility at the Centre then was out of the question. You could, however, have a Consultative Committee, a miniature Round Table Conference—not in single file as was arranged when the Viceroy invited the fifty-two 'visitors' but,—in continuous sittings from time to time! Congress said, 'no, we shall have to resign office' and resign it did.

'Ah, you are acting hastily' says Britain. 'Our object really is to associate you with the Central Executive. You have not understood the Viceroy's Consultative Committee. This is really the chrysalis from which the butterfly of Central Responsibility develops. But in either case, you must have the proper atmosphere and conditions for this biological evolution. Settle up your communal differences in the provinces first, will you?"

Once again, leaders were invited. They were told in private what had already become public property. The Congress said in reply 'communal amity is our affair'. Why don't you speak about war aims? Speak My Lords, speak, speak at the mike if you like or speak on the floor of Parliament if that is the right thing but speak anywhere, speak my Lords, speak. So the Viceroy cabled to England and awaited a reply. In the meantime, the advisers in the Provinces are "building houses on the Bridge which was meant to pass over, not build on" to adopt the Viceroy's quotation of the Arabic script on the gate of Fatehpur Sikri. Britain dared not say 'yes', but could say 'no' to this idea "of building on the Bridge". Congress, she feels, is right in its demand, but should she forget India in order to recover Poland? She was truly between the anvil and the hammer but apparently felt quite comfortable as the strokes were only soft and soothing as yet.

The events described in the foregoing pages are authoritatively summarized in the Viceroy's statement of November 5th which may be given here in full as also Gandhi's reply thereto:

## Viceroy's Statement

(November 5, 1939)

"War was declared on the 3rd September. In a broadcast that night I appealed to all parties and all sections in India to co-operate in its prosecution. On the following day I saw Mr. Gandhi in Simla, and discussed the whole position freely with him. I similarly took immediate steps to see Mr. Jinnah as representing the Muslim League. Nor did I fail to see the Chancellor of the Chamber of Princes.

"Thereafter the general question came for consideration before the Congress Working Committee and the Working Committee of the Muslim League. The Working Committee of the Congress met on the 15th September. They condemned Nazi aggression in decisive terms. But they postponed a final decision so as to allow for the full elucidation of the issues at stake, the real objectives aimed at, and the position of India in the present and in the future, and they involved the British Government to declare in unequivocal terms what were their war aims and how those aims would apply

to India, and be given effect to in the present. Mr. Gandhi's expressing his full agreement with the Working Committee's statement, remarked that he had been sorry to find himself alone in seeking that whatever support was to be given to the British should be given unconditionally.

"The Working Committee of the Muslim League on the 18th September similarly asked, 'if full, effective, and honourable co-operation of the Mussalmans is desired,' that 'a sense of security and satisfaction' should be created amongst Muslims, and referred in particular to the position of the Muslims in Congress provinces, and to the necessity for consulting the Muslims fully regarding any change in the existing constitution and securing their consent and approval.

"I now again got in touch with Mr. Gandhi, Mr. Jinnah and the Chancellor of the Chamber of Princes. I decided that, given the great divergence of view which clearly existed between the two major political parties in India, I must satisfy myself as to the trend of feeling in the country. In, pursuance of that object I interviewed over 50 people, representing all parties, communities, and interests. While those conversations were proceeding, the All India Congress Committee, on the 10th of October passed a resolution repeating the demand of the Working Committee for a statement by His Majesty's Government of their war aims and peace aims. They demanded also that India should be declared an independent nation and that present application of this status should be given to the largest possible extent.

"I reported my conversations in detail to His Majesty's Government who at a time of overwhelming pressure have been devoting the closest attention to the problems of India. It was in the light of profound consideration and long discussion that on the 18th October I made a declaration on behalf of His Majesty's Government. The declaration emphasized first that Dominion Status remained the goal for India; second, that His Majesty's Government were prepared to reconsider the scheme of the present Act at the end of the war in consultation with leaders of opinion in India; third, that His Majesty's Government attached importance to associating public opinion in India with the prosecution of the war, and that for that purpose they contemplated the formation of a Consultative Group the details of which were to be settled after I had further consulted with party leaders.

"The announcements in my statement are of great importance. Their importance has been belittled, but they represent points of real substance. The debates in Parliament which followed the publication of my statement brought out another important point—the readiness of His Majesty's Government, if certain conditions were secured, to associate Indian opinion in a still closer and more responsible manner with the conduct of the war by a temporary expansion of the Governor-General's Executive Council. But the reception in British India both of my declaration and of the subsequent debate in Parliament was, so far as the Congress was concerned, definitely hostile. The Congress Working Committee on the 22nd of October passed a resolution to the effect that my declaration was entirely unsatisfactory, and called upon the Congress Ministries in the Provinces to resign. The Muslim League on the same day asked that certain doubts should be removed, and complete clarification of the declarations secured, subject to which they empowered their president, if fully satisfied, 'to give an assurance of co-operation and support on behalf of the Mussalmans of India to the British Government for the purpose of prosecution of the war.'

"I next invited Mr. Gandhi, Dr. Rajendra Prasad, and Mr. Jinnah to come to see me on November 1, and we discussed the whole position with

them frankly. I had already in my previous conversations discussed with them, as with almost all my visitors, from various aspects the possibility of an expansion of the Governor-General's Council. I now told them that if in regard to association at the centre, we had been unable to go further than the Consultative Group it was because of the lack of prior agreement between the major communities such as would contribute to harmonious working in the centre. I added that the manifestoes issued on 22nd October by the Congress Working Committee and the Muslim League had shown only too clearly the gulf that existed between the attitude of these two great parties.

"I begged my visitors in these circumstances to meet and to have discussions among themselves on the Provincial position, with a view thereafter to putting forward in agreement proposals which could be considered for some expansion of the Governor-General's Council at the Centre. I told them that I saw no necessity for every detail of the differences between them in the Provinces to be resolved. What was needed was a sufficient resolution of those differences to make the devising of scheme for harmonious co-operation at the Centre practicable. I begged them in the most earnest manner to spare no endeavour to reach agreement; and I emphasised that this was essentially a question affecting Indians on which agreement between Indians themselves was what I was anxious to secure. I repeated the profound anxiety not only of myself but of His Majesty's Government to leave nothing undone which would contribute to achieve that agreement.

"The discussions which I suggested have taken place. But the result to me has been a profound disappointment. There remains today entire disagreement between the representatives of the major parties on fundamental issues. All I will say now is that I am not prepared to accept this failure. I propose in due course to try again, in consultation with the leaders of these great parties and the Princes, to see if even now there may still be the possibility of securing unity. During all the time I have been in India there is nothing I have been more anxious to secure than unity, and unity matters far more to India than is perhaps always realised. Unity, too, means that Indians, whatever their community or whatever their party allegiance, and whether they dwell in British India or in the Indian States, must work together in a common scheme. It is worth a great deal to try to bring that about. I may have been unsuccessful so far but I will try again. And when I try again I would ask India to remember my difficulties, and give me credit for an earnest goodwill and an earnest desire to assist. We are dealing with a problem that has defeated the united endeavours of the greatest organisations in this country. There are grave differences of view which have to be taken into account, which should be bridged. There are strong and deeply-rooted interests which are entitled to the fullest consideration and whose attitude is not a thing lightly to be brushed aside. There are minorities which are great in numbers as well as great in historic importance, and in culture. Those are all factors to which full weight has to be given. But complex as the problems are, I refuse to regard them as insoluble, and I prefer to believe that, like other human problems, they will yield to patient discussion in a spirit of goodwill. In this belief I am encouraged by the friendly feeling which has pervaded my discussions with the leaders of parties. I would ask the country, and I would ask the leaders of the great political parties and their constituents, who I know have faith in those leaders, and are ably led by them, to give me the help which I so much need if there is to be any hope of overcoming our difficulties and reaching the result which I am sure that we all of us desire."

## COMMENTS ON THE VICEREGAL STATEMENT ON DELHI TALKS

By Mahatma Gandhi

I have read with respectful attention His Excellency the Viceroy's broadcast and his introductory remarks on the correspondence between himself and Shri Rajendra Prasad and Jinnah Saheb released by His Excellency. I welcome His Excellency's refusal to accept defeat and his determination to solve what seems to have become insoluble. I share to the fullest extent His Excellency's anxiety to reach a solution. Without, therefore, waiting for the sake of assisting the common cause, I would like to suggest that no solution is possible unless an acceptable declaration of war aims about India is forthcoming. The pronouncements hitherto made, whether here or in Great Britain, are after the old style, suspected and discredited by freedom-loving India. If Imperialism is dead, there must be a clear break with the past. Language suited to the new era has to be used. If the time has not yet come for the acceptance of this fundamental truth, I would urge that further effort at reaching a solution should be suspended. In this connection I would remind British statesmen that what is wanted is a declaration of Britain's intention regarding her Indian policy irrespective of India's wishes. A slave-holder, who has decided to abolish slavery, does not consult his slaves whether they desire freedom or not.

Once a declaration to free India from bondage, not in stages but at once, is made, an interim solution will be found to be easy. Protection of rights of minorities will then become simple. The game of see-saw will cease. The minorities are entitled to protection, not in stages but to the fullest extent and in one single step. No charter of freedom will be worth looking at which does not ensure the same measure of freedom for the minorities as for the majority. The minorities will be full-fledged partners in the framing of the constitution. How that can be attained will depend upon the wisdom of the representatives charged with the sacred duty of preparing the constitution. Britain has hitherto held power—this is inevitable in any system of imperialism—by playing the minorities against the so-called majority and has thus made an agreed solution among the component parts well-nigh impossible. The burden of finding a formula for the protection of minorities should be thrown on the parties themselves. So long as Britain considers it her mission to bear this burden, so long will she continue to feel the necessity of holding India as a dependency. And, patriots impatient for deliverance will fight, non-violently if I can guide them and violently if I fail and perish in the attempt. God's curse of war, I had hoped and still hope, would be turned into a blessing by Britain realising that the one thing needful for her to justify and hasten the end of this war was to free a great and ancient country like India from her yoke.

Believing as I do in the Viceroy's sincerity I would urge fellow-workers not to lose patience. There can be no civil resistance so long as, first, the Viceroy is exploring the possibilities of a settlement, secondly, the Muslim League blocks the way, and, thirdly, there is indiscipline and disunity in Congress ranks.

The second condition should not offend Muslim friends. So long as there is no workable arrangement with the Muslim League civil resistance must involve resistance against the League. No Congressman can be party to it. I observed that my note in "Harijan" has shocked Jinnah Saheb.

I am sorry for it. But at this stage I would not defend myself. I do not want to mar in any way the negotiations between him and Pandit Jawaharlal Nehru which I hope will be resumed soon and pray will lead to communal peace.

Since making the above statement I have read the report of the further statement of the Secretary of State in the House of Lords yesterday. It leaves the main position unchanged."

To Gandhi's friendly and winning reply, the presidents of the Congress and the War Committees added their own replies. Rajendra Babu clinched the issue when he charged the British Government with unwillingness " to accept and give legal effect to any constitution which the Indians including all real minorities would prepare and in which the safeguards for the protection of the minorities will be included." Pandit Jawaharlal's statement is not less clinching or crisp. He expressed surprise at the Viceroy's statement as it "conveyed to him an entirely different impression of what transpired in Delhi from what I had gathered from contact with some of the principal parties concerned." "The Viceroy really converted the question into a communal one and dwelt upon the 'entire disagreement between representatives of the major political parties on fundamental issues.'

" It was agreed between Mr. Jinnah and me " said Jawaharlal, 'that the communal question should be discussed fully by us at an early convenient date. This did not affect the Viceroy's proposals so long as the political difficulty was not got over. Hence it was not discussed in this connection.'' This was really the one issue that wanted clarification and gave at once a contradiction to Mr. Jinnah's statement in his letter to the Viceroy dated 4-11-39. Once again the situation became critical and it was necessary to take the All India Congress Committee into confidence and acquaint that body and through it, the country with the developments in the past and the plans for the future. Of the latter, Gandhi had no doubts in his mind. "The only way" out of the *impasse* was in Gandhi's judgment the Constituent Assembly, to which he had merely reconciled himself earlier but of which he was becoming positively enamoured more and more every day. So wrote Gandhi on the 19th November 1939. He offered separate vote to the Muslims in constituting this Assembly and reservation if required to every real minority according to its numerical strength. Gandhi said: ' the Muslim League is undoubtedly the largest organization representing the Muslims, but several Muslim bodies—by no means all insignificant,—deny its claims to represent them.' "The Constituent Assembly would represent all of them and it alone could produce a constitution indigenous to the country and truly and fully representing the people." The risks of the experiment were admitted. The principal hindrance was the British Government. The question of the Princes was only a red herring across the path. European interests, Gandhi added, were absolutely safe so long as they were not in conflict with the "interests of India." In the end, he declared that "all resources must be exhausted to react the Constituent Assembly before direct action is thought of. A stage may be reached when Direct Action may become the necessary prelude to the Constituent Assembly. That stage is not yet." Once again the representatives of the nation as typified in the Working Committee of the Congress and the A.I.C.C. met, this time at Allahabad on the 19th of November and gave their considered verdict to the country. This sudden turning of the political microscope from the rough focusser of communal decision to the fine focusser of Independence disturbed the vision for a moment. There was a view that we ought to have anticipated the

taking up of the burden of communal settlement. Otherwise why should Mr. Jinnah have been invited to Wardha when first the Working Committee took up the question? No one denies the need for such a settlement. Indeed the Congress never suspended its efforts in this behalf. The correspondence with the Viceroy could and would certainly have intensified such efforts. What the Congress resisted was Government's throwing it in its face that it had never settled this affair. Of course, there was the possibility of our failing and the consequent difficulty or even impossibility of convincing the British Government that they were wrong. But the answer to such a position is that however often the Congress failed, that was not their concern or job. Such a view might be strictly logical, but how would it strike the comity of nations outside? That required propaganda and education,—not exactly outside India for propaganda in India would really be propaganda outside. Apart from what the comity of nations outside might think, the one criterion in any situation for the Congress was, "Is the step right?" It is true that the British are the parties to hold the scales even,—and they are even weighting them on one side,—and that the time was inopportune for a settlement—political or communal, but would the British ever do that? It is true that the Congress did not choose the time. Nor would the question lose its emergency because the British put it up. The question had always been there. Even so an emphasis out of time would create new tortures and prolong existing ones. The Congress position was clear. The problem before it had its genesis in the war in which Britain wanted to utilize India's resources. India could not agree to such a course before it could be proved to her satisfaction that the war was for a just and proper cause. The answer and the policy of Britain were open to the gravest condemnation. Premier Chamberlain's conduct and answers and the conduct and answers of other high-placed Statesmen were such as to alienate all sympathy and help. For a moment it looked as though the change of Chamberlain's Government might, if effected, generate a change in Congress attitude. But so long as Congress was not satisfied that the war was not for an immoral purpose, so long could the Congress not help Government. And the crucial test was India. The Congress would never agree to India getting entangled in a wrong or immoral war. The only question then would be, should they oppose or sit down with hand clasped in hand?

The *Allahabad Decision* was to the effect that judging from the course of the war and the policy pursued by the British and French Governments, and in particular, the declarations made on behalf of the British Government in regard to India, this war, like the World War of 1914-18 was being carried on for Imperialist ends and British Imperialism was to remain entrenched in India. With such a war therefore and with such a policy the Congress could not associate itself, and it could not countenance the exploitation of India's resources to this end. The raising of the communal issue and that of the States by the British Government was irrelevant to the main issue. The declaration of British Government's intentions on what was obviously a moral issue and the policy of taking shelter under irrelevant issues was only the result of a desire to maintain Imperialist domination in India in alliance with the reactionary elements in the country. In this view, the reply dated November 4th, 1939 sent by the Congress President was approved of and endorsed and the concept and plan of a Constituent Assembly were declared essential to remove the taint of Imperialism from Britain's policy and to enable the Congress to consider further co-operation

as well as solve the communal and other difficulties. That, however, did not mean that the Working Committee would relax their efforts for arriving at a solution of the communal problem. The policy of non-co-operation initiated in the resignation of Congress Ministries would continue but the Congressmen were reminded that it was inherent in every form of Satyagraha that no effort should be spared to achieve an honourable settlement with an opponent. While a Satyagrahi is ever ready for a non-violent fight, if it has to come, he never relaxes, his effort for peace and always works for its attainment." Due emphasis was then laid on the necessity for effecting preparations for Civil Disobedience which consisted in Congressmen themselves spinning and promoting the cause of Khadi to the exclusion of mill cloth and deeming it their duty to establish harmony between communities. It will be thus seen that however provocative the conduct of the British might be, however disappointing their pronouncements and however irritating their diplomacy, the Congress was exercising the utmost forbearance, which, it is not improbable, was even mistaken for weakness, if not timidity. It is, therefore, refreshing to see a statesman like Lord Zetland quoting passages from the Allahabad pronouncement of the Congress, though to no material purpose. It must be noted that the resolution of Allahabad was passed by the Congress Committee after section 93 of the Government of India Act had been applied to the eight Governments and the 22nd of November had been observed as a Day of Deliverance and thanksgiving by the Muslim League that the Congress Governments ceased to function. By the time, however, Lord Zetland spoke in the Lords (on December 14th 1939) 'in Assam, a former Prime Minister formed an alternative Government. Lord Zetland with a gusto enumerated the great gifts of the Indian princes and peasants and the offer of personal services by some of the former which however "it is not possible in the present circumstances to take advantage of." His Lordship regretted the persistence of the difficulties in the political field, although the transition was effected smoothly when the clock was put back from Provincial Autonomy, thirty years to before the days of the Minto-Morley Constitution. When, however, Lord Zetland said 'there has been no reversal of policy in any important respect and that broadly speaking, the measures promoted by the ministries and assented to by the Legislatures before they resigned, are being given effect to by the Governors,' the Congress put every word to strict proof. If matters may be anticipated, it must be said that in several matters there was a retrograde policy* adopted. Lord Zetland warmly welcomed the sentence in the Working Committee resolution of Allahabad saying, 'it is inherent in every form of Satyagraha that no effort is spared to achieve an honourable settlement with an opponent.' "What then stands in the way of an understanding?—Difference of opinion between the Congress and the Muslim League? " He quoted another sentence from the Resolution which says :—

"The Committee wish to declare that no communal considerations arise in meeting the demands of the Congress " and adds that " he is unable to share the belief however sincerely it might be held by the Congress. Then he repeats the hackneyed objections of minorities and States adding that Gandhi himself in his paper 'Harijan' of 25th November speaks of summoning a Constituent Assembly 'subject to the satisfaction of minorities '." That is true. The Congress never denied the existence of minorities, though it sometimes spoke of real minorities. Only the Congress would not consider

* See the Section on Reactionary Policy in the Provinces.

the existence of the States and the minorities as an impediment to the solution of the larger, the main problem. But Lord Zetland easily excelled himself when he in appealing " to the leaders of the Congress as the largest and most powerful political organization in India to understand the difficulties which are responsible for the attitude of the Muslim League," remarked that such need was really great, considering the instruction issued a few days previously by its President to observe the 22nd of November as the ' Day of Deliverance and Thanksgiving that the Congress Governments ceased to function.' All the same he exhorted every Legislator to " think of himself as an Indian first and as Hindu or Muslim afterwards." Here is the precursor of his successor Mr. Amery's speech on the text of ' India First.' Finally he reverts to the burden of his song,—"Defence of India, obligations to Princes, our own enterprise of generations and Minorities."

In reply, Jawaharlal Nehru presented the Constituent Assembly scheme as the one remedy to all the difficulties raised, differences being settled by an independent arbitration. That way the majority would not force its will on the minority nor *vice versa*. The pity was that Lord Zetland was still thinking in terms of a by gone age and had a semi-feudal outlook on life. The problems of India were essentially economic, while the noble Lord would make them appear to be racial and minority problems. Possibly he was thinking of the Princes as hereditary Rulers and the Rajputs and other classes as the obvious military class. Britain's opposition to the Constituent Assembly could be well understood for it would necessarily put an end to British Imperialism. The alternative to which would be "the development sporadically or otherwise of Sovietism in India."

The Working Committee took stock of the political situation at the close of the year 1939 and it will be easily realised how tense the situation was. The question of the minorities was pushed to the forefront and it was the clear duty of the Congress to create a feeling of satisfaction amongst them. They were suspicious and this suspicion emanated from their allegations against the administration of Congress Governments. Could the Congress say that it would not resume ministries without a declaration that the interests of the minorities would be guaranteed under Congress Governments? That indeed the Congress was ready to agree to any guarantee that might be reasonably required for the protection of the special Muslim interests,—religious, social and economic. But then would not such a declaration strengthen the hands of grabing minorities or even bring into existence new ones and create in them a spirit of greater agitation because to that extent they had succeeded ? Appetite grows with eating. If that should not be so what should be the alternative. In any case, the Congress was out to scrap the Act of 1935. Could it declare them that it would not resume ministries under the old Act and that the Act must remain scrapped ? What would Bengal, the Punjab, Sind and Assam say to such a course ? Would it not be objected that the Congress was seeking to deprive the Muslims of their advantages where they clearly had them ? If on the contrary the Congress was giving or was prepared to give, the kind of guarantee and declaration contemplated earlier, then would it not tantamount to a preparedness for accepting the principle of coalition ministries ? In that view it would be far better to accept it as a business proposition and be done with it. But the Working Committee was not prepared for such a view.

An alternative course would be to omit all references to the communal question—may be for the time being. Times were changing rapidly and with them situations. In any case, the Congress resolutions referred to the

special interests of the minorities, religious, social and cultural. The word political was not included, because even in the Constituent Assembly, we should concede only those safeguards and not the political. It might be up to a body like the Hindu Maha Sabha to negotiate some such thing but in Swaraj, the Congress would be taking India along the wrong path if it agreed to political concessions in ministries or services. For the majorities in legislatures should be composite majorities elected by joint electorates and composed of Hindus, Mussalmans, Christians, Parsees, Sikhs and Jains who would all come in as nationalists. Else, the Congress would be committing a blunder of the first magnitude from which it could not retrace its steps. If the Congress had no such faith, it should prefer to going into the wilderness. On the contrary it would be open to well-meaning friends to argue that however correct such an attitude might be, being applicable not only to Muslims and Christians but to the Hindus as well with their numerous castes, you could not suddenly assume such a hard and fast, such a rigid and inflexible attitude. The Congress could only be sure of the eternal vital principles of democracy and independence but knew not what attitude it should adopt say a fortnight later with regard to details under the kaleidoscopic changes of the times. The emphasis of the Congress, it was obvious, should be on the political aspect of the problem, noting full well how both Mr. Jinnah and the British Government had shifted the centre of gravity from the political to the communal. Or it would be open to the Congress to consider whether the time had not come when it could say to its clientele that they had waited sufficiently long for the British to make a proper approach and give a suitable response and as nothing had been done that way they must turn their attention to the question of fight and prepare themselves for it. But here the Congress could not count without the host. Gandhi was not prepared to say that he was ready. He would be able to say to others that they should be prepared themselves for a fight only when he was himself ready for it, for he knew that when he got ready others would get ready. This took the Congress back to the original issue between the political and communal. The question was raised very appropriately whether the Congress could with justice omit all reference to communal unity, for then it would be omitting one of the three main items of the Constructive Programme. How could Congress answer Mr. Jinnah or any other critic? On details positions might differ. The Congress had spoken of an independent tribunal, in case of a deadlock arising from unresolvable difficulties in the Constituent Assembly. Should it allow the tribunal to lapse, because Mr. Jinnah had gone in for a Royal Commission to institute an enquiry into the work of Congress Governments. Virtually, he had declined to consider the Congress offer, and incidentally overshot his mark in asking for such an enquiry at all. The issue before the Congress was shall it lose its way in seeking to dispel the clouds created by Mr. Jinnah on the one side and by Lord Zetland and the Viceroy on the other. Was not the Congress really falling wholly into the political communal trap of Mr. Jinnah and allowing itself to be entrapped by him? The Muslim League and the Congress once friendly were no longer such in relation to each other. The Royal Commission might be left alone and must. But to say that the Communal question was impossible of settlement was to rule one-self down for ever. The Constructive Programme was all right. But to stop short there was to leave oneself in the lurch,—not preparing the country for a fight but simply tarrying in the hope of something turning up by which the Congress could make it up with the British Government. It is true that the Congress could not ignore people who

constituted themselves an obstruction in their path. It was not as if these friends Messrs. Ambedkar and Jinnah had a rich following. Only they had been seeking to create an impression of this character over the public mind. Even so, despite the fact that their influence was limited, the Congress could not ignore them. While a person like Gandhi might say that we could even cultivate individual friendships, others might consider it almost impossible, because of the atmosphere created which left a taint upon every soul. Even this is a delusion created by those two estimables. The Congress could not—even as it should not, —ignore a single person or party as insignificant. Even at the risk, therefore, of having to repeat, the Congress had only to restate its position with regard to the minorities, for it had to answer the people on the one hand and on the other, the Viceroy, the Secretary of State and Messrs. Jinnah and Ambedkar.

Viewing the problem subjectively, the Congress felt that the General that had to lead it had not a clear-cut plan before him as yet. He was sure of this much that he wanted to put the British in the wrong and he wanted to see that this 'wrong' of the British was made apparent to the whole world and to the Muslims as well. The Muslim Literature was before Gandhi and he read it all—good, bad and indifferent. His way was not to cry 'Independence, Independence.' It might be remembered that a giant like Motilalji had attacked him for his letter to Lord Irwin dated 1st January 1930, containing the eleven points. Gandhi's workmanship was such that any one that read—and examined all that he did—and all that he did not do—could see something in it that smelt 'Independence.' Only the word was not repeated. Accordingly, the resolution that the Congress Committee would pass should prepare the ground for Civil Disobedience and the resolution should be such as not to ignore Lord Zetland for the system in vogue in the country was incarnate in them. When Gandhi had long talks with Sir Stafford Cripps, he had all this in his mind.

At this stage a reference may appropriately be made to Sir Stafford Cripps' visit to Wardha which must in the light of later developments be regarded as carrying with it greater importance than was realized at the time. On his return from India he became the ambassador to Russia more or less at Russia's choice.

In British democracy it is the eminent lawyers that have occupied some of the foremost political positions. Lord Reading, Lord Birkenhead, Sir John Simon, Mr. Asquith, Mr. Lloyd George (a solicitor), Lord Sankey—all these were well-noted lawyers in their own day. Sir Stafford Cripps belongs to the same order of the legal luminaries and enjoyed till his visit to Wardha in the autumn of 1939. A week prior to his departure from London he had given it up and was wholly devoting his time and talent to public life. Sir Stafford was quite original in his own way and had therefore come into violent conflict with his own party. He was in 1938 subjected to disciplinary action for disobeying party injunctions and expelled from the Labour Party. Nevertheless he was a *persona grata* not only with the Independent Labour Party but also with the old-world Labour Party.

Sir Stafford's visit to India just at this juncture was only an inaugural function to initiate his new era of wholetimed public life. There were not a few, however, who attached some little political significance to it for just as in the early days of the Congress, great parliamentarians like the Duke of Argyll,—Conservatives as they were, were the hope of Indian Congressmen even as later, the moderate politicians of the early twentieth century in India pinned their faith to the Liberals and even copied their name for their own

party at the very moment when the Liberals as a power and even as a party were altogether vanishing from the face of British politics, so were the socialist and the more advanced wings of the later-day Congress pegging their plans to the Labour Party of England. Indeed this change had begun even in the time of Lokamanya Tilak who had donated £3,000 to the Labour Party when he visited England in 1918-19 for his case against Sir Valentile Chirol. In spite of the disillusionments of the twenties of this century there was still a lingering faith in propaganda in Britain and abroad regarding India. Sir Stafford had been doubtless taking interest in Indian polities and his personal friendship for Jawaharlal it was believed was the important element that brought the great lawyer to India.

The very first interview given by Sir Stafford Cripps was, however, revealing and unexpected. He was not the sort of man to try to engage Indian affections by any kind of misrepresentations although it must be admitted that the inflexibility and straightness of character in regard to British polities was not necessarily a proof or of preeursor to, a like display in relation to Indian politics. Sir Stafford stated that recently there has been a sudden veering round of opinion to the side of conciliating Indian view and Indian aspirations and that England was not in a mood to antagonize India just at the juncture. What was really of further interest was the news that an all-party deputation was shortly going over to India to appraise the situation here. Could we take it that the deputation was being sent as a fact-finding commission? Frankly speaking the Congress owned to a feeling of considerable doubt and distrust regarding these all-party deputations. It welcomed Sir Stafford Cripps as one who could call a spade a spade, who could speak the truth and shame the devil. The All-party deputation would, on the contrary have to white-wash the affair, add the extremes and divide the sum by two and produce mean that would be neither fish nor flesh nor good red herring. The Simon Commission with its Cadgons and Attlees was one such agglomeration of parties. A like mixture of incompatibles was now contemplated for India—to what end all could guess. Moreover this process was a dilatory one, a time-losing mechanism. What India wanted was a prompt declaration and a faithful rendering of the same into actuality. On the other hand the device of an All-party deputation was the practical shape given by British politicians to Sir Samuel Hoare's position described in Parliament as neither a flat 'no' nor a frank 'yes' England did not want to say either, for she did not want to lose the goodwill of India nor gain it at a heavy price.

Sir Stafford had fairly lengthy interviews with Gandhi, Jawarhalal and the Sardar and took with him back to London a long and detailed memorandum prepared by Gandhi. With this the short and flying visit of Sir Stafford ended. And we revert to Gandhi's thoughts and feelings at the time.

Gandhi felt that though they could pull through a settlement, it could not be between the Hindus and the British. That would be Violence. That was why he visualised the Constituent Assembly in his own way and not as the way Jawaharlal had placed it before the Congress. So far as Civil Disobedience was concerned, he felt that Congress must take the masses in not mechanically but heartily. The pity was that the country was not able to realise this point. He even felt that the Congress members should attend the Assembly and work through it. Then again regarding Congress membership they must all act with one mind. That was why he wanted the elections to be gone through though there was a proposal to stop it in view

of the War conditions. The Congress, it was true, had come away from the ministries, but that was because we were losing strength, in as much as the British Government were using us for their purpose. In the Central Legislature we retired only when we felt that we were not gathering strength but were losing it. It was not as if we were tabooing everything. Gandhi wanted to retain every friendship. If the other side was becoming unfriendly and poisonous they invited Civil Disobedience. They asked for it and we would give it. A soldier could not then wait for this or that. If Jinnah refused this offer of theirs, he would put himself in the wrong before the world and before the Muslims in India. If the English people were swift we should also be swift. Gandhi was not anxious to put the ministries in their seats. We must arrive at a stage, he thought, in the Congress, when the British Government would consider it worthwhile admitting India to freedom. The Constituent Assembly was such that no one could grudge its powers. These were the thoughts coursing in the breasts of those who were guiding the nation towards the year end of 1939. The Working Committee met on the 18th of December and studied with regret those pronouncements of the Secretary of State in which he had referred to the communal question, merely clouding the issue and taking the public mind off the central fact that the British Government had failed to define their war aims, especially with regard to India's freedom. The communal question could never be solved satisfactorily so long as different parties were looking to a third party, through whose help they expected to gain special privileges even at the expense of the nation. The rule by a foreign power meant a division amongst the elements composing it. The Congress stood for unity among such divisions and lasting units would come only when foreign rule was completely withdrawn. The British Government being unwilling to withdraw or even reluctant to part with power naturally raised the communal question as an apple of discord and the Constituent Assembly was the only way to obtain a final settlement. The Congress made it ever so clear that the minority rights should be protected to the satisfaction of the minorities concerned, all differences, if any, being referred to an impartial tribunal.

Independence could not be won without hard work. That was implied both in independence which was the end and in non-violence which was the means. The final sanction behind both was civil resistance, which is but a part of Satyagraha, which in turn meant good-will towards all, especially towards opponents. Therefore, it is the duty of individual Congressman to seek goodwill and to promote it. Goodwill implied concern for the poor and courtesy towards the rest. Khaddar is the proof of such concern ; and communal concord, of such courtesy. That is the philosophy of non-violence, which will befit the people to take up the call when it comes.

The closing message of the Working Committee to the nation was given at the year end in these terse and telling words. They were a call to it to buckle up its loins and get ready to fight. They were a call for the preparations for the fight and the same call was incorporated in the exhortation to observe the Independence Day and the pledge that was to be read anew on the 26th day of January.

" In view of the present political crisis and the urgent necessity of preparing the country for the struggle that may be forced upon us, in the near future by the attitude of the British Government towards our demands, it was felt that the Independence Pledge for the year 1940 should be so framed as to help in the preparation already on foot. The following resolution was therefore passed.

" The Working Committee draw the attention of all Congress Committees, Congressmen and the country to the necessity of observing properly and with due solemnity Independence Day on January 26, 1940. Ever since 1930 this day had been regularly observed all over the country and it has become a landmark in our struggle for independence. Owing to the crisis through which India and the world was then passing and the possibility of our struggle for freedom being continued in an intenser form, the next celebration of this Day has a special significance attached to it. This celebration must, therefore, not only be the declaration of our national will to freedom, but a preparation for that struggle and a pledge to disciplined action.

The Working Committee, therefore, call upon all Congress Committees and individual Congressmen to take the pledge prescribed below in public meetings called for the purpose. Where owing to illness or other physical disability, or to being in an out of way place, individual Congressmen were unable to attend a public meeting, they should take the pledge in their homes, individually or in groups. The Working Committee advised organisations and individuals to notify their Provincial Congress Committees of the meetings held as well as the individual or group pledges taken. The Committee hoped that none who did not believe in the contents of the pledge would take it merely for the sake of form. Those Congressmen who do not believe in the prescribed pledge should notify their disapproval, stating reasons therefor to the Provincial Congress Committee, giving their names and addresses. This information was required not for the purpose of any disciplinary action but for the purpose of ascertaining the strength of disapproval of anything contained in the pledge. The Working Committee had no desire to impose the pledge on unwilling Congressmen. In a non-violent organisation compulsion could have little place. The launching of civil disobedience required the disciplined fulfilment of the essential conditions thereof.

### Pledge

" We believe that it is an inalienable right of the Indian people, as of any other people, to have freedom and enjoy the fruits of their toil and have the necessities of life, so that they may have full opportunities of growth. We believe also that if any Government deprives a people of these rights and oppresses them, the people have a further right to alter it or to abolish it. The British Government in India has not only deprived the Indian people of their freedom but has based itself on the exploitation of the masses, and has ruined India economically, politically, culturally and spiritually. We believe, therefore, that India must sever the British connection and attain *Purna Swaraj* or Complete Independence.

" We recognise that the most effective way of gaining our freedom is not through violence. India has gained strength and self-reliance and marched a long way to Swaraj following peaceful and legitimate methods, and it is by adhering to these methods that our country will attain Independence.

### TO TAKE THE PLEDGE PRESCRIBED BELOW IN PUBLIC MEETINGS :

" We pledge ourselves anew to the Independence of India and solemnly resolve to carry out non-violently the struggle for freedom till Purna Swaraj is attained.

" We believe that non-violent action in general and preparation for non-violent direct action in particular, require successful working of the con-

structive programme of Khadi, communal harmony and removal of untouchability. We shall seek every opportunity of spreading good-will among fellowmen without distinction of caste or creed. We shall endeavour to raise from ignorance and poverty those who have been neglected and to advance in every way the interests of those who are considered to be backward and suppressed. We know that though we are out to destroy the imperialistic system we have no quarrel with Englishmen, whether officials or non-officials. We know that distinction between the caste Hindus and Harijans must be abolished, and Hindus have to forget these distinctions in their daily conduct. Such distinctions are a bar to non-violent conduct. Though our religious faith may be different in our mutual relations we will act as children of mother India, bound by common nationality and common political and economic interest.

" Charkha and Khadi are an integral part of our constructive programme, or the resuscitation of the seven hundred thousand villages of India and for the removal the grinding poverty of the masses. We shall, therefore, spin regularly, use for our personal requirements nothing but Khadi, and so far as possible, products of village handicrafts only and endeavour to make others do likewise.

" We pledge ourselves to a disciplined observance of Congress principles and policies and to keep in readiness to respond to the call of the Congress, whenever it may come, for carrying on the struggle for the independence of India."

On the question of attendance of the Central Assembly, the Committee decided that the abstention should continue, except so far as to retain their seats.

On each occasion that the Working Committee of the Congress made its pronouncement and cleared its position, it was followed by a pronouncement, either by the Viceroy or the Secretary of State or both, even as it was preceded by one. But in no case was the Governmental pronouncement a reply to the issues raised by the Congress in its resolutions and statements from time to time. It became a kind of chronic habit with these representatives of British Government to harp upon the same tune, now in a harsh strain and now in a more sonorous one. The Viceroy's speech at the Orient Club, Bombay, on January 10, 1940 was, it must be admitted conceived in a less harsh strain than hithertofore. After recounting the events of the previous months and the rapid changes brought about therein, the Viceroy expressed the trust that the interruption in the working of the Provincial Autonomy would be temporary and that the re-establishment of the normal working of the Constitution would, before long, be practicable. After expressing his regret at the inability to secure the presence of ministers at the Centre, the association of the Indian States in a common Government, the representation of all minorities on duly settled line and the unity of India, the Viceroy repeated that " Their objective in India was the attainment of Dominion Status ' of the statute of Westminster variety ', that they are prepared in the meantime, subject to the local adjustments between the leaders of the great communities as may be necessary to ensure harmonious working and as an immediate earnest of the intention to expand, the Executive Council of the Governor-General by the inclusion of a small number of political leaders ". The Viceroy stated how there were many people who pressed for swifter and more valuable solutions of the problems before us, and asked how often these apparently simple solutions when more closely investigated presented unexpected difficulties and difficulties too of unexpected impor-

ance. Short-cuts are too often prone in experience to lead to a considerable waste of time. Once again he harped back to the claims of the minorities, the Muslim minority and the Scheduled castes. Justice must be done, he said, as between various parties and His Majesty's Government are determined to see Justice done. But he would ask his friends in the various parties to consider whether they could not get together and reach some agreement between themselves. But so far as the objective was concerned, he gave the assurance that His Majesty's Governments and his was to spare no effort to reduce to the minimum the interval between the existing state of things and the attainment of Dominion Status. The closing paragraph of the speech was not only exhortative but pathetic. " The offer is there. The responsibility that falls on the great political parties and their leaders is a heavy one. They have helped me in the past and I ask today that they will help me again and help India and I ask for their co-operation and their assistance in terminating at as early a date as possible a state of things which all who have faith in the virtue of constitutional progress must deplore; a state of things which every lover of India—every one who is concerned to advance her interests must feel today to be a bitter disappointment ".

* * *

In spite of the mellifluous language employed and the winning tone adopted, it will be seen that the core of the speech remains as hard as ever before. Minorities, Muslims and Scheduled classes, Government guarantees, Justice between parties, mutual agreement, these constitute the burden of the song. Even the tune is not different. It may be remembered that the Orient Club speech was immediately followed by a speech at Baroda in which the Viceroy drew the attention to the fact that the Federal scheme of the Act then in suspense, afforded the swiftest stepping stone to the Dominion Status and that its adoption with the consent of all concerned would facilitate the solution of many of the problems. Accordingly, the President of the Congress hastened to point out in reply on January 14th that the Congress goal was independence pure and simple as against the Dominion Status even of the Westminster variety, that the party leaders were not fully accredited representatives of the whole of the population that they affected to represent and that under the circumstances it was not without careful consideration that the Congress had put forth the Constituent Assembly as the only solution. Surely this was not a ' short cut ', as the process involved therein and the proceedings associated with it would make the path particularly long. Then came the 4th of the series of interviews between Gandhi and the Viceroy on the latter's invitation to the former at Delhi on the 5th February. They had a hearty talk for $2\frac{1}{2}$ hours and the result was incorporated in the following *communique* which was agreed to between the Viceroy and Gandhi.

" In response to an invitation from His Excellency Mr. Gandhi to-day came to see the Viceroy. A prolonged and very friendly discussion took place in which the whole position was exhaustively examined. Mr. Gandhi made it clear at the outset of the conversation that he had no mandate from the Congress Working Committee, that he was not empowered to commit in any way, and that he could speak on behalf of himself only.

His Excellency set out in some detail the intentions and the proposals of His Majesty's Government. He emphasised in the first place their earnest desire that India should attain Dominion Status at the earliest possible moment, and to facilitate the achievement of that status by all means in their power. He drew attention to the complexity and difficulty of certain

of the issues that called for disposal in that connection, in particular, the issue of defence in a Dominion position. He made it clear that His Majesty's Government were only too ready to examine the whole of the field in consultation with representatives of all parties and interests in India when the time came. He made clear also the anxiety of His Majesty's Government, to shorten the transitional period and to bridge it as effectively as possible.

His Excellency drew attention to the fact that, as he recently repeated at Baroda, the Federal scheme of the Act, while at present in suspense, afforded the swiftest stepping stone to Dominion Status, and that its adoption, with the consent of all concerned, would facilitate the solution of many of the problems that had to be faced in that connection.

He added that the offer put forward by him in November last of an expansion of the Governor-General's Executive Council on the lines and on the basis then indicated remained open and that His Majesty's Government were prepared to give immediate effect to that offer.

Subject to the consent of the parties affected, His Majesty's Government would be prepared also to reopen the Federal scheme so as to expedite the achievement of Dominion Status and to facilitate the settlement after the War of the issues to which it gave rise.

Mr. Gandhi expressed appreciation of the spirit in which these proposals were put forward, but made it clear that they did not, in his view, at this stage, meet the full demand of the Congress Party. He suggested, and the Viceroy agreed, that in the circumstances it would be preferable to defer for the present further discussions with the object of a solution of the difficulties which had arisen."

As talks proceeded the depths of the problem came to be explored deeper and deeper until at last the rock-bottom was reached. It was as if the Government and the people were digging a well together and expected each stratum that was laid bare to contain, embosomed in its layers, the springs of hope and sustenance that would give life and quench the thirst for freedom. But it was not so. There came, however, a stage in this collaboration when Gandhi hit upon the hidden source and spring and laid it bare before the Viceregal vision. In a statement dated February 6th, 1940, Gandhi pointed out that while the Viceroy's offer contemplated final determination of India's destiny by British Government, the Congress contemplated self-determination. That was the real test of freedom and that indeed was the vital difference between the two points and without obliterating it, Gandhi saw no prospect whatever of a peaceful and honourable settlement. When that was done the question of Defence, of Minorities, of Princes and of European interests would be automatically dissolved. In this connection, he made certain points clear. Safeguards were a bilateral desideratum. A stable constitution could not be evolved without the fullest satisfaction being given to the legitimate minorities. If there were to be differences they should be referred to the most impartial tribunal that could be conceived by human ingenuity and its voice should be final as to what would amount to the fullest satisfaction of minority interests. As for defence, possibly, India would want elaborate preparations, and would want Britain's help if given. But personally, Gandhi was not concerned, because if he could carry India with him, he would want nothing beyond a police force for protection against dacoits and the like. Unarmed and peaceful India would rather rely on the goodwill of the whole world which he admitted was only a day-dream at the present moment. As for European interests, he would regard them as big Zamindars or capitalists and they would be

placed on the same footing as these. There would be, as there should be, provision for reasonable compensation for any existing interests which are legitimate and not harmful to the nation. The Princes are free to join the National Assembly which will determine India's fate as duly elected representatives of their people, not as individuals. They are only vassals of the Crown and cannot have power superior to the Crown itself, nor status apart from the Crown. If the Crown itself parts with the power it enjoys, naturally the Princes have to look up to the successor of the Crown, *viz.*, the people of India. Gandhi wanted on their behalf an honourable settlement with Britain. All these points were discussed between the Viceroy and Gandhi as friends. There still existed a wide gulf between the positions taken up by the two. In spite of that, they parted as friends. The time was fast approaching for the next session of the Congress which was to take place at Ramgarh in Bihar. In accordance with the long standing practice of the ensuing session fairly long before its sittings, the Working Committee met at Patna on the 28th February 1940. This time, the Ramgarh Congress, some thought, became almost an event, or an incident in the war talks of the day. But it was not so. The Congress had been reorganising itself by carving out its several departments the publicity, the minority, the Harijan and the Charka,—in order to prepare better the country for the successful working of the programme of Satyagraha, which it was admitted on all hands, showed the only way out of the impasse. Gandhi had written much about his philosophy of non-violence and the way it should be applied on a mass scale to work out the emancipation of the country.

## War Clouds Overhead

Of the many meetings of the Working Committee that had been held since the outbreak of the War, the sitting at Patna on the eve of the Ramgarh Session was perhaps the most momentous one. The fact was that the Congress and the British Government were waging a battle of wits. It was clear that Lord Zetland accused the Congress of mere idealism. He, however, objected to the term 'Independence' and wanted India to accept the fetters of connection with the British Empire. This was how India and Gandhi interpreted his Lordship's statement. The British were not playing the game like sportsmen on the athletic field. On the contrary, they were playing at hide and seek. They were not in earnest in solving the Indian problem finally. They were obviously gaining time—to what purpose, one could only guess but could easily guess. Did they expect a sudden termination of the European War? If so their feeling would naturally be 'why should we lose India in addition to the colonies, some of which we may have to part with in peace?' If the war deprived England of India that would be a poor reward for Britain. Any way, India need not have lamented the loss of time. It only sharpened the appetite of the youth for a fight. It set India athinking seriously about her destiny. It gave an opportunity to Gandhi to dwell upon the significance and scope of Satyagraha and the conditions under which it could successfully undertake a campaign. Altogether, then, the Congress had no reason to regret either the fruitless visits of Gandhi to Delhi or the lapse of *six months* from the commencement of the war without its serious repercussions on Indian politics. Day by day, the Indian feeling was coming to recognize the inevitability of a clash between India and Britain. Week by week, the issues were clarifying themselves. The first liberality shown by the advisers in regard to the continuance of the

policy of the Congress Ministers, and their open and unsolicited avowal of sympathy with the ideals of their predecessors, led the public to think that the Congress Ministries would not be long out of office. But the later change in policy was out of tune with the earlier notes. The confirmation of Ordinance Rule by the British Parliament, the hustling of Legislation on Excess Profits Tax, the denial of yellow colour to the polling boxes of the Congress Candidates in Madras and the ever thickening rumours in the South about prospects of change in the Prohibition Policy—all these pointed to the hands of the clock moving backward. Of course, people could not with advantage, protest against these for when the cat is away the mouse *will* play as the *adage* runs. But these very pranks and frolics indicated the trend of coming events. They made it evident how both sides were preparing to meet on the battlefield. This was inevitable for every day while India's self-respect grew, England's fair play was receding into the background. Moreover, India's patience, accommodation and philosophical balancing of the *pros* and *cons* of the situation appeared to encourage in the opponent the belief that India felt weak and was inclined to be vacillating. England would find herself very greatly mistaken in such a view. The tactics of non-violent war varies materially from that of violence. The latter is marked by threats and retorts, ultimata and outbreak of war. The former is slower in development but would be surer in its course towards victory in a right cause.

The course of progress before Gandhi's vision was clear as daylight. The constructive programme as non-violence at work was the one preparation for the programme of sacrifice as embodied in Satyagraha and Civil Disobedience. That was why the internal struggles of the Congress Working Committee revealed a strenuous struggle between Gandhi on the one hand and those that would precipitate or at least hasten Civil Disobedience. At Patna, Gandhi felt that the atmosphere was still against disobedience. He saw so many differences and so much of indiscipline that he thought they could lead but to one conclusion. This was met by the view that if we inaugurated C.D. it would wash away all these differences as it flowed along like a river in its course. Gandhi would not agree. On the contrary, these dissentient forces, he felt, though they avowed that they would join a fight under Congress leadership, would stray from the path of Civil Disobedience, a fact indeed which later experience proved to be only too true ; for the Communists on the inception of the movement and even prior to it carried on an underground propaganda, all their own. The forces really were not such that could be absorbed into the larger stream of C.D. by merely hastening its advent. Gandhi believed in immediate control of forces and would not bank upon their coming under control with the progress of the movement. He wanted to gather the masses then and there and make the fight. But he felt that he could not create that discipline which was necessary for such a step. A contingent future could not do service for an uncertain present. Gandhi's mind was not built that way and such a conception was beyond his ken. He would not accept the view that a new atmosphere had been created or that a new experience had been met with. His was not the view that the schisms and the schools of thought that had sprung up were not the excrescences of the Congress but were the results of its inertia. Between, however, the groups that held the view " have Civil Disobedience and everything will be all right " and the group that was suspected of saying " All is wrong, let us not move," there was a view honestly and seriously held which provided for a clear definition of the position which the Congress

would take up at that juncture. Leave alone C.D. Are not the public in doubt as to what we want? They would like to read a finality about our aims and it should not strike them as though we are changing our minds frequently. That would be a weakened and dangerous position. The public must feel that whatever happens—if the very heavens fall, *this* is our position. Else a feeling of insecurity is produced in the public mind which is fatal to C.D. itself." A course of thought such as this was largely influenced by a feeling of doubt whether three months earlier the country was not better prepared than at that time, and whether they were not really receding farther and farther from that position. "We may not do it today, we may not do it tomorrow, but we must check this impression, this doubt and create a sense of finality. No one knows what we want, be it independence or the Constituent Assembly. They think that we talk tall and that we shall make it up with them anyhow. The question is not one of Lord Linlithgow's sincerety for we have no doubt that he is quite sincere, not because of generosity but because of self-interest. The question is of our own decision. What lay at the bottom of such a reasoning was the lurking idea that when the ministers resigned the effect was electric and a revolution was ordinarily expected to follow in our country, as in every other country,—a revolution, of course of our own type. But nothing having happened, passions subsided and the course of events was progressive deterioration, a feeling of general lassitude and listlessness. The problem was not one which could be resolved by the meeting of two men of strong will. The deceptive tendencies were there and it was the duty of the Congress to probe the causes and lessen or abate the mischief. The Congress must envisage at least what it would do, two months, three months or six months hence. The crisis was produced by war in which the object of the British was to extend, if possible, or at any rate to consolidate their empire. The Congress did not want them to get Indian help for that purpose. It was, so to put it, a continuous invasion to utilise India's resources and that must be stopped. The truth, however, was that soon after the resignation of the Ministers real strength did not decline, but was really progressing. Only the red-herring of the communal question was drawn across the field and made to obstruct the path of the Congress. But patience on its part was clearing it slowly from the scene. It was the spirit of violence and groups wedded thereto that could not do anything themselves but would not agree to the Congress doing anything on its own lines.

This was the background when the Working Committee met at Patna to frame the agenda for the Ramgarh Session. During the past twenty years, the agenda of the Annual Session of the Congress has been reduced to a few important resolutions whose number, latterly at any rate, had not gone beyond 10 or 12,—a figure which would stand favourable comparison with the figure of the earlier years which went up to twice and thrice as many. For the Ramgarh Session, the Patna sitting primed up but one resolution and that related to India and the War crisis. There was really nothing new in it. It was not as if the doubts and difficulties that have been recounted in the foregoing paragraphs arose all anew and afresh. But the annual session of the Congress,—the first that met after the outbreak of the war and perhaps the only one that could meet during its pendency,—was the appropriate occasion for summarising the past and surveying the present and foreshadowing the future in one clear sweep and this is what Ramgarh did.

## CHAPTER VIII

### Ramgarh, march, 1940

For thirteen years the Congress had been crying wolf-wolf and at last the wolf emerged from its wanderings in the wilderness into the abode of man to convert the lands flowing with milk and honey into scenes of confusion and carnage and the green crops and happy habitations of civil life into the scorched earth of the military. Ramgarh is the first Congress that since Satyagraha began to rule the destinies of the Nation, witnessed a war in being. The Congress had passed many resolutions warning the country against participation in all war effort and when the nation met at Ramgarh—when the Congress Nagar was by an irony of fate, since converted into an Italian Prisoners' War Camp, they had already seen through over six months of this horrible holocaust and were cogitating as to how best to shape the duty of India at this juncture consistently with its cult of non-violence. Much water had already flowed under the bridge and the setting for the Ramgarh Congress was materially different from that which had ushered in year after year, each of the previous sessions. The sound of the war drums was almost audible through the forest region in the midst of which Ramgarh with its hills and dales, its valleys and streams was situated. The President of Ramgarh was elected as a matter of course. He was to have been the 'official' candidate, so to put it,—for Tripuri but under the circumstances explained in the chapter on Tripuri, he withdrew of his own accord. And it was but natural that his name should have been thought of at the earliest opportunity that presented itself next. Thus it was that the Ramgarh session came to be presided over by Maulana Abul Kalam Azad. There was only a nominal contest for the Presidentship of the 53rd session held at Ramgarh in March 1940. The voting by the delgates took place in all the Provinces on February 15, 1940 and the Maulana was declared elected as President by 1864 as against Sri M. N. Roy who polled 183.

The functions at Ramgarh were organised to take place with the customary eclat at *Mazhar Nagar* as the improvised city was named. Subjects' Committee, Exhibition, Public Meetings all went off well, except the open session, which was arranged to take place in a picturesque depression of this tableland. But nature frowned and the whole field was filled with thigh-deep waters in which, by the onset of a stormy rain which took its timing precisely so as to synchronize with the time of the Congress. The elders of the Congress braved it all. Nor was there a place where to hide one's head, for it was all open. In a moment the sea of men and women with children in their arms, dressed in their best attire became converted into a village of huts which were made up for the nonce by the mats below their feet serving as the roofs above their heads. But the storm blew with such ferocity that delegates and visitors, mats and umbrellas,—thousands of them began to move in a stream, with children soaked to the bone, clasped to their bosoms. It was in the midst of this cataclysm of nature that the chairman of the Reception Committee and the President got through their respective functions though the addresses had to be taken for read and the resolution of the day was just moved by Jawaharlal and postponed to the morrow. The Congress was more fortunate the next day and that for just

the length of time that the session conducted with leisure and dignity occupied. It met around the flag staff, where the grounds were high and dry and the historic decision of the Congress supported by a speech from Gandhi no less historic, was taken in the midst of the utmost solemnity and seriousness by an audience that sat around the flag mast which itself stood on a brown and yellow Asoka pillar imitation 30 ft. high in front of the main gate of Mazhar Nagar.

The Ramgarh session was as usual held in village surroundings in the midst of a forest area that belonged to Raja of Ramgarh—a highly patriotic and unostentatious young man, who was generous to a degree and signalised his enthusiasm by entertaining the members of the All India Congress Committee at a party. It was in the fitness of things, that Sjt. Rajen Babu should have been chosen to welcome the delegates from far and near and his speech is one of those remarkable performances which may well be read and reread for its appropriate selection of argument and anecdote. Bihar as the land of romance and religion and the region of the birth and ministry of Buddha, was brimming with stories of his wisdom and scholarship which he that passes may read everywhere. If sermons in stones and books in running brooks are not a mere fib of the poet's imagination but the facts of a royal saint's ascetic life, then it is in Bihar that we must look for them and Rajendra Babu has narrated one such sermon which we reproduce below.

### Lesson from past

We may, however, sometimes draw a lesson from the past and get an inspiration from it. I shall close this after placing before you one such incident. There was a time when Raja Ajat Shatru was reigning in South Bihar and the Republic of the Vajjies was flourishing in North Bihar. Ajat Shatru was desirous of conquering the Vajjies and annexing their territory to his kingdom. Gautam Buddha visited Rajgir which was Ajat Shatru's capital and stayed at the hill of Gidhakut. Ajat Shatru deputed his Minister Bassakar to Buddha to find out what Buddha's opinion was about his designs against the Vajjies. When Buddha came to know the intention of Ajat Shatru he put seven questions to his disciple Anand and on getting replies to them gave his reply to Ajat Shatru's question. He asked :—'Anand, have you heard whether the Vajjies hold their assemblies frequently and whether these assemblies are well attended.' Anand replied 'I have heard, O Lord, that the assemblies of the Vajjies are held frequently and are well attended.' Buddha said "Then, O Anand, so long as the assemblies of the Vajjies continue to meet frequently and are well attended you can expect only their progress and not their destruction." He put six more questions of this nature and on getting satisfactory answers to them replied :—'So long as the Vajjies continue to sit together, to work together, to perform their national duties together ; so long as they continue not to issue arbitrary orders without making laws nor to disobey their laws ; so long as they continue to act in a collective way according to the rules made by themselves ; so long as they continue to respect their elders, to show honour to them, and to accept such of their advice as is worthy of acceptance ; so long as they continue not to treat harshly or behave rudely towards their women ; so long as they continue to respect their *Chaityas* (religious and national shrines) and not to deprive them of old endowments properly given to them, so long as they give protection to their *arhants* (self-sacrificing learned men) and allow *arhanst* from outside to enter their territories and *arhants* of their own territory to

live in comfort; so long will they continue to prosper and flourish and you should expect no harm to them." When Ajat Shatru heard this he became convinced that it was not possible to conquer the Vajjies with his armies. How true even to-day are these seven laws which govern the rise and fall of nations and which were promulgated twenty-five hundred years ago. In the hills of Rajgir the rock of Gidhkut reminds us of them even to-day. Differences of opinion are natural in any living society. The ability to solve them is the sign of a well organised society. Can we say of the Congress to-day that we sit together, work together and do our national duty as one man? Can we say that we do not disobey rules made by ourselves and that we collectively act according to rules regularly laid down by ourselves? Can we say with confidence that we respect our elders and listen to and accept their advice which is worthy of acceptance? The strength of the Vajjies lay in these fundamental matters. Our strength will also increase if we are able to answer these questions in the affirmative. Buddha on one occasion showed the assembly of the Vajjies to his *bhikshus* and told them :— "Look at this assembly and you can form an opinion as to what an assembly of the gods is like." Is it not possible for us to so organise and conduct this our national organisation that Mahatma Gandhi may instead of complaining of indiscipline and violence in us point out to the girls of his Ashram and address to them words similar to those which the Buddha addressed to his *bhikshus*.

The Presidential address was a consummate performance. The Maulana is well known as an erudite scholar who had received his education in the Egyptian University of Elezar for his scholarship in divinity and eminence in culture, for his clarity of expression and command of language, for his deep intellectual acumen and keen debating powers, for his quickness of perception and readiness of rapartee, he has few equals in India and his position as a Muslim divine is unique in the world of Islam. His statuesque features, his radiant countenance, his perpetual smile, endear him to his environment as readily as his high reputation exalts him high above them. He had once belonged to the school of violence and was interned along with the Ali Brothers during the Great War of 1914-18 for a period of over four years from 1915 to December 1919. With the non-co-operation movement, he threw his full weight into the national struggle and was a fellow prisoner with Deshbandhu Das in 1921. He employed his good offices to bring about an understanding between the no-changers and pro-changers after the Gaya Session in 1922 and his balanced judgment, his indefatigable labours, his sterling patriotism earned for him the Presidentship of the special session at Delhi in September 1923. Seventeen years later, it fell to the good fortune of the country to invite him once again to guide the ship of the Congress on the turbulent waters of Indian politics and the world knows only too well how deftly he piloted it at last to a safe haven. He had declared all along that he stood for a fight and when he saw his chance before him to inaugurate the fight he felt it his duty to accept the Presidentship of Ramgarh.

"To-day our caravan is passing a very critical stage. The essential difficulty of such a critical period lies in its conflicting possibilities. It is very probable that a correct step may bring us very near our goal, and on the other hand, a false step may land us in fresh troubles and difficulties," said Maulana Abul Kalam Azad in his presidential address at the 53rd Session of the Indian National Congress at Ramgarh.

He based his address on the following two questions: whither is the step taken by us in consequence of the declaration of war on the 3rd September, 1939, leading us? And where do we stand now?

### Tired of Imperialism

Reiterating that India's head and heart were with those peoples who were standing up for democracy and freedom and resisting this wave of reaction, Maulana Azad said:

> "India cannot endure the prospect of Nazism and Fascism, but she is even more tired of British imperialism. If India remains deprived of her natural right to freedom, this would clearly mean that British imperialism continued to flourish with all its traditional characteristics and under such conditions, India would on no account be prepared to lend a helping hand for the triumph of British imperialism."

### India's Position

"While the Empire countries were given freedom of decision, said the President, what place did India occupy in this picture of the British Commonwealth? India is being told to-day that the generous hand of Britain will confer upon her the precious gift of Dominion Status in the near but unknown future. When the war began, a war which will probably be one of the greatest in the world, India was pushed into it suddenly without her even realising that she was entering it. This fact alone was sufficient to show us which way the wind was blowing."

### Congress Demand and British Reaction

Maulana Azad dwelt at length on the Congress demand, the answer of the British Government and the steps so far taken by the Congress and said:

> "At the first touch of reality the structure of make-belief fell to pieces. For the last four years the world resounded with cries of democracy and freedom. The utterances of the most responsible spokesmen of England and France in this regard are so fresh in our memory as not to need recall. But the moment India raised this question, the reality behind these utterances was unveiled. Now we are told that, without doubt, safeguarding the freedom of nations is the aim of this war but that this is confined within the geographical limits of Europe. The peoples of Asia and Africa should not dare to have any such hopes."

### India's Right

Emphasising that it is not a question of the desire or the measure of the desire of the British Government—the straight and simple question is of India's right, Maulana Azad said, "our case is crystal clear. We do not wish to see British imperialism triumphant and stronger and thus lengthen the period of our own subjection to it. We absolutely refuse to do so. Our way lies patently in the opposite direction."

"The step of temporary and partial co-operation which we took in 1937, we withdrew after the declaration of war. Inevitably we inclined towards further steps in non-co-operation. As we stand to-day, we have to decide

whether we should march forward in this direction or go backward. When once a step is taken, there is no stopping. To cry halt, is to go back and we refuse to go back. We can only, therefore, go forward. I am sure that the voice of every one of you joins mine when I proclaim that we must and will go forward."

### No Chance Yet ?

"In these circumstances was it beyond the realm of possibility that history should, contrary to its old record, take a new step ? Was it impossible that two great peoples of the world, who had been tied together by the course of events as rulers a d ruled, should create a new relationship between them, based on reason, justice and peace ? If that had been possible, the sorrows born of world war would have given place to a new-born hope ; and the new order of reason and justice would have ushered in a new dawn. If the British people could have proudly said to the world to-day that they had added such a new example to history, what a vast and unparalleled triumph this would have been for humanity. Certainly this was not an impossibility but it was an amazingly difficult thing to do."

### Mahatma's Faith

"In the prevailing darkness of the times, it is faith in the bright side of human nature which sustains the great soul of Mahatma Gandhi. He is always prepared to take advantage of every opening which might lead to a mutual settlement without feeling that he is weakening his unassailable position."

### Ramgarh—the subjects' Committee

The course of events at Ramgarh was not as smooth as one would have expected considering the fact that the main resolution had already been primed up at Patna. But ideas were fast moving even in the short interval. Mr. Jinnah's theory of two nations was beginning to take shape in his own mind and express itself in the form of Pakistan. The communal trouble which C.D. was apprehended to create had already commenced and the Sukkur Riots had begun in right earnest,—riots which ultimately took a toll of 400 lives lost and thousands wounded and which for wantonness, brutality and bloodshed had not been paralleled till then in the annals of the country. If we may anticipate events those of Dacca which began in the middle of March 1941, *i.e.* a year later, and continued till July as well as those of Ahmedabad and Bombay with periodical outbreaks till the month of July 1941, and on a smaller scale those at Cawnpore, Lucknow and Benares,—all made up a picture even more ghastly and horrifying than the manslaughter at Sukkur. The picture at Ramgarh then of the demand of a territorial and ethnic divisions and of inter-communal strife was not one that could be contemplated with equanimity at any rate, in so far as the inauguration of C.D. during the time of war was concerned. While the prospect was such, the retrospect of events was nothing re-assuring. For Gandhi saw indiscipline everywhere, in Congress elections, Municipal matters and Public life generally and what was more, a certain hypocrisy and double dealing in the events at Rajkot which had forced him to wind up the movement. He recalled how people were pretending to be Satyagrahis, but were secretly visiting the Thakore Saheb and flattering him. He admitted, doubtless, that if at the end of 20 years' training this was the result, the weakness certainly

lay with those who trained more than those who received the training, But the more Gandhi made an effort to correct the insincerity, the more he only helped to make the effort merely verbal. He did not conceal from his view the fact that people from villages were going into the movement in twenties and fifties and hundreds, but if one saw an element of insincerity even in them, the only recourse would be to select a small group and fight. It was for a solution that way that Gandhi was probing. It was to that end that he had to stiffen his demand and sought to give no loophole to any. Sometimes, Gandhi felt as if he should be left out of the picture and be kept in reserve, while the rest proceeded. While he was left alive and alert, would the public mind open and bestir itself under such circumstances? People might glibly say that a new leadership was wanted out of unbelief or out of disgust. But Gandhi's colleagues and co-adjutors would not leave him alone though at the same time, there was a view that Civil Disobedience need not be the only weapon and if the Congress felt that its strength was not equal to it, it must relate its immediate demand to its available strength. That was a view, however, which found no echo in a second heart and in Gandhi himself the reaction was such, that if the general view was that people all over Hindustan were tired then he would like to try in Gujarat where he hoped to get full co-operation. What troubled him was the organisation. 'How could I fight with this organisation?' That was his constant thought in his introspections—constant query in discussion. Noting as he did, the state of the organisation he felt inclined to tell the Congressmen, that he saw great danger and that no fight was possible with such an organisation. Should he then carry on the struggle alone as he had done in Champaran and Ahmedabad without so much as the name of the Congress, when his collaborators, *viz.*, Rajendra Babu and Brijakishore Babu were nobodies. He seriously felt like proposing to stand aside from this lead. That was a revelation to be sure for in Patna that was not his frame of mind. Was it the result of the communications he was receiving in which the blame was cast on him that he was being forced to act by fear of Subhash Babu? It is true that opinions at one extreme are contradicted and resisted, the tendency of human nature is to let the pendulam of their opinions kick over to the other extreme under a sense of irritation. Was Gandhi also succumbing to this law of the pendulam? This was not the first time that charges of fear were laid at his door. There was a time when he was charged with fear by Lala Lajpat Rai. Really there was another reason why Gandhi took up such an attitude. People were becoming impatient and he felt that he could not be hustled. That was why he suggested that his colleagues should draft a resolution for Ramgarh a fresh one and on a *tabula rasa*. It is true that if this should be done, they would be doing something different from what had been done at Patna when they asked people to get ready quickly. Now were they not diverting the country from such a course? The position could be put pithily. People were asking Gandhi, "when do you begin" and he in turn was aking the people, "when do you get ready?" Gandhi did not abate from his position in Patna. If anybody suggested that because the country's strength was not adequate, therefore, its demand should be lowered, Gandhi's effective and emphatic reply to that was a down right 'no'. For a moment such a reply would make people feel that he would neither advance nor recede But to Gandhi, there was no difficulty at all, for he had no two opinions on the necessity for a fight or the reducibility of the demand. Fight was inevitable even as the demand was unalterable. But he must get the country ready and get the Govern-

ment too ready. The Government's offer was not only far away from independence, but there was not even Dominion Status in the offer. The fact was that the position of the Congress was a defensive one. It was not a question of preparing for an attack. An attack required preparation which meant training and discipline and Gandhi's leadership. He would be the last man, having once proclaimed himself as an expert in Satyagraha, to run away from it later. Moreover, only four months prior to Ramgarh, a resolution was proposed and nearly accepted entrusting the whole thing to Gandhi. But he was only the *de facto* leader not *de jure*. All that Gandhi wanted to make sure of was to *clear* the impression that he was likely to begin C. D. shortly, because he had not the atmosphere, the material or even men. In the end, the Patna resolution stood at Ramgarh. When Gandhi wanted to excuse himself and be left alone it was but natural that Maulana should have put it to him to say whether it was fair for Gandhi to invite him (Maulana) to the Chair and then himself walk away from the Congress.

The Congress considered it an affront offered to India that she should have been declared a belligerent country without any reference to her people in respect of a war which was being carried on fundamentally for Imperialist ends. The Congress could not in any way be a party to such a war and therefore disapproved of Indian troops being made to fight for Great Britain and of the drain from India of men and material for the purpose. This view of the matter was accepted by seasoned statesmen like Mr. S. K. Ratchffee a former editor of the *Statesman* and who wrote the following article in the *Catholic World*:

## THE SATYAGRAHA

"The first item of the Indian case is that the unhappy occurrences of 1940, including the arrest of many prominent members of the Congress party could have been avoided without difficulty had it not been for the initial mistake of the Viceroy Lord Linlithgow in declaring India a belligerent without consulting the Indian Legislatures.

This step was not easy to recall; but one cannot help asking whether, in the hard circumstances of 1940, recovery would not have been made much less difficult, for both sides, if the resignation of the Congress Ministers in the autonomous provinces had been avoided. The abandonment of responsibility in such circumstances makes conciliation and co-operation almost impossible. Gandhi's intervention too, increased the difficulty for he advised or sanctioned the resumption of civil disobedience by individuals, which seems like a contradiction in terms."

Once again the Congress held aloft its objective, *viz.*, Complete Independence and declared that Dominion or any other status within the Imperial structure was wholly inapplicable to India, as it would bind India in many ways to British policies and British economic structure. Self-determination through a Constituent Assembly provided the only solution. That alone would secure communal harmony and base India's contribution on Independence, democracy and national unity, embracing the people of the States in the scheme, for sovereignty in India rested with the people whether of the States or the Provinces and the right of neither the Rulers nor of foreign vested interests could be admitted to come in the way of Indian Freedom. The withdrawal of the Congress Ministries from the Provinces, so dissociating India from the War was but a preliminary step

which must be followed by C. D. in good time. Gandhi would undertake the responsibility of declaring C. D. on being satisfied that discipline was being observed and the constructive programme duly pursued.

The speeches of Gandhi at the Subjects' Committee as well as at the open session and his exhortation to the country a week later, constitute a literature in themselves and form integral factors in the development of the history of our times. (See pages 122 to 132 *March of Events.*)

" Since I went out of the Congress at Bombay, there has been an understanding between me and the Working Committee that I should not be asked to speak at the A. I. C. C. or the Subjects' Committee meetings and I should be allowed to serve the country in my own way with whatever strength is left in me. I have usually been attending the meetings of the Working Committee. On this occasion, I myself suggested that I should address the Subjects' Committee and also the delegates. The Working Committee agreed to this and although I wanted to address you before the resolution was adopted, the Committee suggested that I do so after the resolution was disposed of.

" I have come to you to meet you and renew my acquaintance with you, and also give you an opportunity to meet me and find out whether there has been any change in me. I have been in public life for full fifty years ; I have been in charge of various organisations and come in contact with millions of people. Besides, I have been in contact with correspondence with me. It should, therefore, not be difficult for me to remember you.

" All the same I wanted to establish direct contact and know where we stand in relation to each other. I notice that you have made considerable progress in the art of debate. I congratulate you on that, for a democratic organisation does need people who can express themselves clearly and maintain a high level of discussion. I also find that the number of amendments you move has increased. That too is good because we want new ideas. It is good that various points of view should be presented before the public so that if any point that is not accepted today may be accepted tomorrow.

" You have adopted this resolution almost unanimously. Only seven or eight among you dissented. They had every right to do so. The passing of this resolution adds to my responsibility, because I was present at the time of discussion. If I wanted I had an opportunity to place my view before you but the Working Committee felt that I should not do so before the resolution had been disposed of and I consented.

" I do not want to reply to what has been said by some of you in the course of the debate. I want to tell you, however, that there have been occasions in the past when I agreed to launch a movement although some of the conditions laid down by me had not been fulfilled, but on this occasion I am going to be very strict, not because I want to be hard but because I want you to realise that the general who has to lead the fight must let his army know his conditions for leading them.

" This time I find that the difficulties you would have to face are much greater than those we were faced with on former occasions. These are of two kinds, external and internal. We have declared very clearly what we want. We have made it so clear that further clarification is not possible. Similarly the British Government have also made clear their point of view. Britain is involved in a World War and naturally if we oppose it at this time it will mean trouble. This is the first difficulty. But our real difficulty is

an internal one. I have written on several occasions that in Civil Disobedience one need not be afraid of external difficulties if the fight is carried on proper lines.

"Our internal difficulty is that we have a large number of Congress members on our Register. People have joined us because they find that the Congress has acquired power. Many people who did not join the Congress before have now joined it. They have harmed it because they have joined perhaps with selfish motives. In a democratic organisation we cannot prevent such people from joining unless our organisation is so strong that sheer weight of public opinion would compel them to remain out.

"That cannot happen so long as our contact with primary Congress members is only for voting purpose. There is no discipline in the Congress. There are a number of groups and there are quarrels and squabbles. We seem not to believe in non-violence as regards our own internal organisation. Wherever I go I hear the same complaint. My conception of democracy is not the formation of groups quarrelling with one another to such an extent as would destroy the organisation itself. Again we are not only a democratic organisation. We are also a fighting organisation. Our fight is not yet over. When we march as an army, we are no longer a democracy. As soldiers we have got to take orders from the General and obey them implicitly. His word must be law. I am your General. It should not mean that I should keep you in dark regarding my feelings. I do not know of any General in history who was so powerless as I am. I have no sanctions. My only sanction is love. In one way it is a great thing but in another sense it can also be worthless. I can say I cherish love for all in my heart. Perhaps you also do so but your love must be active. You must fulfil the conditions set down in the Independence Pledge. You must allow me to tell you that if you do not fulfil those conditions it will not be possible for me to launch a struggle. You will have to find another General. You cannot compel me to lead you against my will. When you appoint me as your general, you must obey my command. There can be no argument about it. Because my only sanction is love, I argue with you, for love must be characterised by patience. I have heard friends criticising the Charkha. I know you are all ready to go to jails but you must earn the right and pay the price for going to jails. You will not be going to jails as criminals.

"This condition about Charkha and Khadi has been there since 1920. Our programme and policy have been the same all these days. You might have grown wiser in this matter since then, but I must tell you I have not. The more I think about non-violence, the greater virtues I find in it.

"I have been an outlaw since 1918. Before that I was so loyal to the empire that I wrote to Lord Chelmsford that I longed to have the same loyalty towards the Empire as a Britisher has in his heart. I wrote those words because I am a believer in truth. Truth is my God and I could not have written anything else if I wanted to be true to myself. You may have other ways than truth and non-violence, but mine is the same old path and, being just a human being like you, I also commit mistakes. Never have I dreamt that I am a Mahatma. We are all equals in the eyes of God. To me Hindus, Muslims, Parsis, Harijans are all alike. I cannot be frivolous when I talk of Qaid-e-Azam Jinnah. He is my brother. I would be happy indeed if he could keep me in his pocket. There was a time when I could say that there was no Muslim whose confidence I did not enjoy. It is my mis-

fortune that it is not so today. I do not read all that appears in the Urdu Press, but perhaps I get a lot of abuses there. I am not sorry for it. I still believe that without Hindu-Muslim settlement there can be no Swaraj. You will perhaps ask in that case why do I talk of fight. I do so because it is to be a fight for the Constituent Assembly. If Muslims who come to the Constituent Assembly through Muslim votes declare that there is nothing common between Hindus and Muslims, then alone I would give up all hope, but even then I would argue with them because they read the Quran and I have also studied something of that Holy Book. I will tell them that God makes no distinction between Hindus and Muslims. When Lord Zetland was wounded I was deeply pained. I felt as if I was myself wounded. If you want me you must understand this. It is my constant endeavour to create good-will in the opponent's mind. I fight British Imperialism but I have no quarrel with those who run the Imperialist machine. I do not want to destroy them but I want to bring about a change in them.

"You must know that compromise is in my very being. I will go to the Viceroy fifty times if there is need for it. When I was fighting General Smuts, at the very last moment I telephoned to him to try and see if the fight could be abandoned. He put down the receiver in anger. I was not sorry because thereby he did not insult me and you know we are now great friends. If you have suspicion that I will compromise, you must believe that that compromise will not be at the cost of the country. I will not sell India. Whatever I do, I do to increase the strength of our country. The basis of my fight is love for the opponent. If I had no love in my heart for the Dutch and the English I would not have been able to fight them in South Africa.

"Somebody has suggested that the word 'mass' does not appear in the resolution in reference to civil disobedience. If it is not to be mass civil disobedience why should I come to you? If it were to be done by a handful of people you would not find me here arguing with you. You might perhaps not be taking these things seriously, but in my mind there is no other thought. My mind is wholly concentrated on trying this great experiment with your help and support, because it will not only benefit India but the whole world.

"Every Congress Committee must therefore become a unit of Satyagraha. To that extent democracy comes to an end. To that extent democratic organisation like ours will have to follow explicitly my instruction. If that does not happen, millions of people who follow us will be sacrificed. I will not allow that to happen. I may have to lay down my life for preserving the power that has accrued to India. You may not be able to analyse that power but it is there. It is the power of Ahimsa.

"I do not want to come in if there is anyone who wants to launch a struggle. But he can do so outside the Congress. If he wants to remain in the Congress he must follow the Congress programme and policy. Of course it is possible for anyone to remain in the Congress and yet disobey it, but that won't be the way of Satyagraha which never harms the man who uses the weapon. The passing of the resolution does not bind you yet. It is still open to you to reverse it. You may have another method, but so far as I am concerned I have only the same old programme. I know that that method has never harmed anyone who has followed it and even now if I can get your whole-hearted support and co-operation, I can show you what can be achieved within even a month."

THE OPEN SESSION

20-3-1940

"I was glad to have the opportunity of listening to the speakers who moved the amendments. The name of Satyagraha was on their lips, and it reminded me of the Biblical phrase "Not those who say 'Lord' 'Lord' but those who do the will of God will find Him." (Cheers) I do not need your cheers, I want to win your hearts and your intellects, and cheers and acclamations stand in the way of winning them. Let me therefore warn you that not those who shout 'Satyagraha', 'Satyagraha', will do Satyagraha but those who will work for it. And the essence of Satyagraha is to carry out in letter and spirit the word of him whom you have chosen as your general, and to eschew the things he asks you to avoid. For without Satyagraha carried out in the proper spirit, there is no victory and no Swaraj.

"I believe with some of you who said that it is our duty to shake ourselves free from slavery. But how are we to do it? Supposing a few dacoits come and take possession of our house and drive us out, it is of course our duty to fight the dacoits and get our house back from them. But how can we do it? We have to plan and prepare for it. Therefore when I saw you acclaiming the speaker who said that we were ready, I was shocked. For I know that we are not ready. And knowing this, how can I ask you to fight? I know that with such as you I can only have defeat. And defeat I do not want, and defeat I have never known, not even in Rajkot, whatever you may say to the contrary. The word 'defeat' is not to be found in my dictionary, and everyone who is selected as a recruit in my army may be sure that there is no defeat for a Satyagrahi.

"One of the speakers said that he had no quarrel with the charkha, but he wanted the charkha to be divorced from Satyagraha. Well, I tell you, as I have been telling you these 20 years, that there is a vital connection between Satyagraha and charkha, and the more I find that belief challenged the more I am confirmed in it. Otherwise I am no fool to persist in turning the charkha, day in and day out, at home and even on trains in the teeth of medical advice. I want you too to be turning the charkha with the same faith. And unless you do it and unless you habitually use Khadi you will deceive me and deceive the world.

"I shall of course die with non-violence on my lips, but you are not wedded to it in the sense I am, and so it is open to you to have another programme and to make our country free. But if you will not do this, nor turn the charkha, and want me to fight, it will be an impossible situation.

"I know that you will not fight unless you have me with you, but then you must know that I am here and I would fight only as a representative of those dumb millions for whom I live and for whom I want to die. My loyalty to them is greater than any other loyalty, and it is for them that I would not give up the charkha even if you were to forsake me or kill me. For I know that, if I were to relax the conditions of the charkha, I should bring ruin upon those dumb millions for whom I have to answer before God. If, therefore, you do not believe in the charkha in the sense I believe in it, I implore you to leave me. The charkha is an outward symbol of truth and non-violence, and unless you have them in your hearts you will not take to the charkha either. Remember, therefore, that you have to fulfil both the internal and external conditions. If you fulfil the internal condition, you will cease to hate your opponent, you will not seek or work for his destruc-

tion, but pray to God to have mercy on him. Do not, therefore, concentrate on showing the misdeeds of the Government, for we have to convert and befriend those who run it. And after all no one is wicked by nature. And if others are wicked, are we the less so? That attitude is inherent in Satyagraha, and if you do not subscribe to it, even then I would ask you to leave me. For without a belief in my programme and without an acceptance of my condition you will ruin me, ruin yourselves and ruin the cause."

## EVERY CONGRESS COMMITTEE A SATYAGRAHA COMMITTEE

"When I said at the Subjects' Committee meeting at Ramgarh that every Congress Committee should become a Satyagraha Committee I meant every word of what I said as I meant every word of everything else I said. I would like every Congressman who desires to serve in the Satyagraha Sena to read my two speeches made at Ramgarh as well as whatever else I may write in *Harijan* on the struggle and carry out the instructions meant for him or her.

"In the coming struggle, if it must come, no half-hearted loyalty will answer the purpose. Imagine a general marching to battle with doubting, ill-prepared soldiers. He will surely march to defeat. I will not consciously make any such fatal experiment. This is not meant to frighten Congressmen. If they have the will, they will not find my instructions difficult to follow. Correspondents tell me that though they have no faith in me or the Charkha they ply the latter for the sake of discipline. I do not understand this language. Can a general fight on the strength of soldiers who, he knows, have no faith in him? The plain meaning of this language is that the correspondents believe in mass action but do not believe in the connection I see between it and the Charkha etc., if the action is to be non-violent. They believe in my hold on the masses but they do not believe in the things which I believe have given me that hold. They merely want to exploit me and will grudgingly pay the price which my ignorance or obstinacy (according to them) demands. I do not call this discipline. True discipline gives enthusiastic obedience to instructions even though they do not satisfy reason. A volunteer exercises his reason when he chooses his general but after having made the choice, he does not waste his time and energy in scanning every instruction and testing it on the anvil of his reason before following it. "There is not to reason why".

"Now for my instructions:—

"Every Congress Committee should become a Satyagraha Committee and register such Congressmen who believe in the cultivation of the spirit of goodwill towards all, who have no untouchability in them in any shape or form, who would spin regularly and who habitually use Khaddar to the exclusion of all other cloth. I would expect those who thus register the names with their Committee to devote the whole of their spare time to the constructive programme. If the response is sincere, these Satyagraha Committees would become busy spinning depots. They will work in conjunction with and under the guidance of A. I. C. C. branches in a businesslike manner so that there remain in the jurisdiction of the Committees no Congressmen who have not adopted Khaddar for exclusive use. I shall expect businesslike reports to be sent from provincial headquarters to the A. I. C. C. as to the progress of the work of the Satyagraha Committees. Seeing that this registration is to be purely voluntary, the reports would mention the

numbers both of those who give their names for registration and those who do not.

"The registered Satyagrahis will keep a diary of the work that they do from day to day. Their work, besides their own spinning, will consist in visiting the primary members and inducing them to use Khadi, spin and register themselves. Whether they do so or not, contact should be maintained with them.

"There should be visits paid to Harijan homes and their difficulties removed so far as possible.

"Needless to say that names should be registered only of those who are willing and able to suffer imprisonment.

"No financial assistance is to be expected by Satyagrahi prisoners whether for themselves or their dependents.

"So much for active Satyagrahis. But there is a much larger class of men and women who, though they will not spin or court or suffer imprisonment, believe in the two cardinal principles of Satyagraha and welcome and wish well to the struggle. These I will call passive Satyagrahis. They will help equally with the active ones, if they will not interfere with the course of the struggle by themselves courting imprisonment or aiding or precipitating strikes of labourers or students. Those who out of overzeal or for any other cause will act contrary to these instructions will harm the struggle and may even compel me to suspend it. When the forces of violence are let loose all over the world and when nations reputed to be most civilized cannot think of any force other than that of arms for the settlement of their disputes, I hope that it will be possible to say of India that she fought and won the battle of freedom by purely peaceful means.

"I am quite clear in my mind that, given the co-operation of politically minded India, the attainment of India's freedom is perfectly possible through unmixed non-violence. Let alone the world, I the self-styled general have repeatedly admitted that we have violence in our hearts, that we are often violent to one another in our mutual dealings. I must confess that I will not be able to fight so long as we have violence in our midst. But I will fight if the proposed register is honest and if those who courageously keep out will not disturb the even course of the struggle.

"Non-violent action means mobilisation of world opinion in our favour. I know that a growing number of thinking men and women of the world are sick of the war spirit; they are longing for a way of peace and they are looking to India to point that way. We cannot have that opinion on our side if we are not honestly non-violent. Let me repeat what I have said in these columns that I shall be able to fight with a very small army of honest Satyagrahis but shall feel powerless and embarrassed, if I have a huge army in which I can have no trust or as to whose behaviour I am not always sure.

"I expect the A. I. C. C. to organise Satyagraha Committees and report to me from time to time of the progress made. If there is an enthusiastic response, inside of one month it should be possible to forecast the exact period required to put the Satyagraha Committees in working order."

The story of the year 1939 would not be complete without a reference to the countrywide celebrations of Gandhi's seventy-first birthday. On the 2nd of October 1939, Gandhi had completed the Psalmist's span of three score and ten, and continued nevertheless to maintain his health as ever before. There was some visible decline in his strength but that only restricted his tours and therefore gave more time for work at the desk or on the lap to be more precise. His message of non-violence stood out in conspicuous

relief against the tragic background of a destructive war going on in Europe. The Country celebrated the event as usual by devoting a whole fortnight to the promotion of such activities as are dear to Gandhiji, the chief being the propaganda and sale of Khadi. Workers everywhere strove to dispose of large stocks of Khaddar. The birthday celebrations were also marked by public meetings held all over the country where the significance of Gandhiji's life, message and philosophy were explained to the public and congratulatory resolutions passed. Many papers issued special Gandhi Jayanti numbers. Many others published articles dealing with his life and work. Sir Sarvepalli Radhakrishnan, Vice-Chancellor of the Hindu University, Benares, presented to Gandhi on his birthday a memorial volume entitled *Essays and Reflection on Mahatma Gandhi*. The volume is a collection of tributes from eminent persons in all spheres of life and from all parts of the world. Gandhi received congratulatory messages from individuals and associations all over the world, wishing him health and long life and praying for the success of his message of non-violence, peace and goodwill.

The conclusion of each session of the Congress signalizes a natural landmark in the computation of values as well as the appraisements of the stock in trade. A reference has been made to the new independence pledge prescribed for the year 1940 and the changes introduced therein regarding Khaddar. No sooner than this had been done than an objection was raised to the addendum incorporated anew to the pledge to be taken on the 26th of January. That addendum was an indicator of emphasis rather than substantial addition, for it was an old old idea then. It was largely a reservation or a safeguard against the inroads of spinning on the economic programme of the Congress and Gandhi hastened to congratulate, so early as in January 1940 the Socialists, the Royists and others who had spoken out their minds on spinning. The situation that faced the country was serious. Once C. D. was started, Gandhi was not the man to suspend it except on a proper settlement. To him, therefore, a non-violent fight should be based on unadulterated non-violence. "I dare not lead an army" said he "that does not answer the qualifications which I regard essential to success." He would not look at half-hearted allegiance. Divided allegiance would lead to disaster. Nor did he thrust his leadership upon the nation. To call him a Dictator was the " most unkindest cut of all " to be sure. To call the first servant of the nation by any other name than as such is wrong. Even if he was a Generalissimo, it was not by a writ that he would be so installed, but only by the unbreakable bonds of loyalty and confidence that existed between him and his following. Those who were itching for a fight might inaugurate it at their own peril. Gandhi's plan was definitely based upon certain tenets. One was spinning. A second was not to drive the Englishman out of India but to convert him into a servant of India. That did not mean that he tolerated Imperialism. " The Love of my conception, " said he, " if it is as soft as a rose petal can also be harder than flint. " His wife and his eldest son had to experience the harder variety. " I had thought I had gained Subhas Babu " said he, " for all times as a son. I have fallen from grace. I had the pain of wholly associating myself with the ban pronounced on him. " He equally deplored that he had to be a party to the disciplinary measures taken against Dr. Khare and Vir Nariman. His attitude towards Englishmen was similar. The charkha has become part of his programme of love. A society which anticipated and provided for meeting violence with violence, would in his opinion either lead a precarious life, or create big cities and magazines for defence purposes. The erstwhile village republic

of India though crude, made the nearest approach to the civilisation based on non-violence. That is the philosophy of the Charkha. A week later, Gandhi reverted to the subject, stated how two Socialist leaders Sri. Jayaprakash Narain and Sri Sampurnanand, the latter the Minister of Education in U. P. spoke in no uncertain terms against the addendum to the pledge. The former had done well, he said, to clear his and the Socialist party's position when he said of the constructive programme :—" We had never accepted it as the only or even as the adequate weapon in our struggle. Our views have been straightened by the helplessness of the National leadership at this crisis. Gandhi stated clearly that he could never hope to lead an army to success composed of Congressmen entertaining such views. " Jai Prakash had no faith either in the programme or in the leadership. " I suggest to him that he has quite unconsciously discredited the programme he would carry out merely because the Nation's High Command desired it. Imagine an army marching to the battle without faith in the weapons to be used and in the leaders who have prescribed them. Such an army can only bring disaster to itself, its leaders and the cause. If I were in Sri. Jaiprakash's place and if I felt able to tender discipline I would advise my party to remain indoors in silence. If I could not I would preach open revolt and frustrate the designs of an ineffective leadership. Again he would have the students come out of their colleges and schools and workmen lay down their tools. Now this is a lesson in indiscipline. If I had my way I would invite every student to remain in his school or college unless he got leave. Finally Sri. Jai Prakash says ' we advance for our part a new programme, that of labour and peasant organisation as the foundation of a revolutionary mass movement '. I dread the language used. ....If they are not organised on a strictly peaceful footing, they may damage non-violent action as they did during the Rowlatt Satyagraha and later during the *hartal* in Bombay over the visit of the Prince of Wales.....I hold that the addendum this year was necessary. " Gandhi stated that a leader like Sri Sampurnanand would only create confusion in the mass mind by being half hearted in his exposition of the addendum. For he as a Socialist could not accept a policy of Village Industries as opposed to mass production. Gandhi was against any hush-hush policy or make-believe. He was equally aghast at the assurance that the moment Civil Resistance was declared, the whole labour world and the Kisans would declare a simultaneous strike. But Gandhi said that if that happened, he would be most embarrassed and all his plans would be upset. It was his clear belief that even if he, somehow or other achieved nominal independence without real non-violence, there would be perfect anarchy and he hoped he was not expected knowingly to undertake a fight that must end in anarchy and red ruin. This accounts for the hesitancy that he had shown all along right up to the Ramgarh Congress and even later in embarking upon a campaign of Civil Disobedience. The proceedings on the Independence day were undoubtedly marked by certain indiscipline here and there. It was not so much the number of instances of such indiscipline that was mattered as was the spirit abroad.

As the Ramgarh session approached there were wild rumours of hostile propaganda and even incendiarism as likely to overtake the Congress Nagar. But an even earlier experience of such was met with at Malikanda, the place in the Dacca District where the annual session of the Gandhi Seva Sangh was held. As a matter of fact, when the session was taking place and Gandhi was addressing the workers the slogan of " Down with Gandhism " was heard a furlong away. There were actually cases of arson and young

men were caught red handed in the act. But Gandhi advised forbearance and suggested that " they should understand why anybody, be he a mercenary, should consent to go there and act thuswise. They must, to an extent, believe in their mission. Therefore, let not their cries anger you. Let none of you think of drowning those cries in the cry of Mahatma Gandhi-ki-Jai. You have done well in not shouting counter slogans. You have thereby sterilised theirs. And very little mischief had been done. If the forbearance is based on Ahimsa, I am sure they would ultimately be stilled. ". Fortunately the apprehensions entertained earlier and intensified later did not come true at Ramgarh, which had to face not fire but rain.

A reference has been made to the dissentient note raised by the different groups, passing under the denomination of Communists, Socialists, National Democrats, Kisans and Forward Bloc. The last two of them made a common cause in antagonising the Congress and setting up a parallel conference under the presidency of Subhash Chandra Bose at a place which was called Kisan Nagar. Their object was to reply to those, who held up to view the Patna resolution of the Congress Working Committee which was to be adopted at Ramgarh in order to demonstrate that the Congress had adopted an uncompromising policy. They saw loop-holes in the resolution, particularly in the later half of it, which deteriorated from its intrinsic value. No sooner was this resolution passed, said Subhash Babu, than MahatmaGandhi came forward with the statement that the door had not been banged for future negotiations for a settlement. He was not impressed by Mahatma Gandhi's lengthy remarks on Civil Disobedience. That was why in his view the British Government ceased to take the Congress seriously. What was wanted was a determined and widespread effort in order to stem the tide and make such effort really effective. Their activities should be focussed at an All-India Conference of all those who are determined to have no truck with imperialism. A compromise with imperialism will mean, he added, that an anti-imperialist national struggle will soon be converted into a Civil War amongst the people themselves and he asked the question " should this be desirable from any point of view?" Subhash Babu added, "in the event of compromise being effected with imperialism in this country, Indian Leftists in the future will have to fight not only imperialism but its new tangled Indian allies as well. This will necessarily mean that the national struggle against the imperialism will be converted into a civil war amongst Indians themselves."

The session held its sittings prior to the National Congress itself and had a huge attendance which raised its hands in response to a query whether they were ready for a fight.

## The Indian Anti-Compromise Conference

The Conference was intended to govern all the anti-imperialist forces in the country that were determined to resist compromise with imperialism. Subhash Babu dwelt upon the contract between the red hot resolutions of the Congress and the statements issued by members of the Congress Working Committee on the one hand and simultaneously other remarks made and statements issued either by Mahatma Gandhi or other rightist leaders, which created a totally different impression on the average mind. He doubted whether the Patna resolution which was the draft prepared for Ramgarh would have been passed at all but for the pressure exerted by the Leftists during the previous six months. He characterised the demand for Constituent

Assembly as unfair and dwelt upon the willingness of rightists to accept separate electorates and the existing franchise of Legislatures on the basis of electing the Constituent Assembly. The main resolution passed by the Conference requested the President and the Chairman and the Reception Committee to form an All India Council of action in order to launch and direct their struggle. April should be the signal for it. Once this struggle begins there should be no rest and no break and no sidetracking as when the Harijan Movement was started in 1932. Since C. D. was suspended in 1933 there has been a drift to constitutionalism as also unprecedented mass awakening. The war only meant for India a further suppression of Civil Liberty and exploitation and a further shaping of class-consciousness. Instead of taking a forward step after the resignation of Congress ministries, steps were taken only to confuse and bewilder the ordinary mind. The emphasis on spinning and constructive work was condemned and the Indian people were warned "not to be misled or confused by a demand for a joke Constituent Assembly." A counter offensive was to be launched against the onslaughters on civil liberty and lovers of freedom should identify themselves with the toiling masses of India,—Kisans and Mazdoors had joined them in the struggle for economic independence. The longer they waited, the greater the vassilation and demoralisation in their ranks. The local struggles should be intensified and new ones should be started wherever necessary and possible. Concluding, Subhash Babu appealed to the audience to be ready for the call of action.

## Gandhi Seva Sangh

The Conference commenced at Malikanda, Dacca on the 20th February 1940, with the opening of Khadi Village Industries Exhibition by Gandhi. Before Gandhi began to speak, hostile slogans were raised and a number of anti-Gandhian pamphlets were distributed. Referring to the incident Gandhi said, " I believe my voice is reaching you. Please listen quietly. I have just now heard some people shouting, 'Gandhism be doomed.' Those who want to destroy Gandhism have a full right to say so. Do not get excited by hostile slogans or counter slogans. Calmly tolerate them. Allow freedom to those who want to say anything against Gandhism. Do not bear any grudge or ill-feeling against them. You cannot realise Ahimsa unless you can peacefully tolerate your opponent. I do not know what is meant by Gandhism. I have not given anything new. I have only given a new form to what all existed." Members of Gandhi Seva Sangh were advised to 'forget policies' and to cease to taking part in politics as members of the Sangha. No member of the Sangha should be a member of the Congress Committee. An exception was made in the case of only Dr. Rajendra Prasad and Sjt. Vallabhabhai Patel. Gandhi and friends returned *via* Calcutta and at the second station, a shoe was flung into his compartment by an unknown person.

## CHAPTER IX

### Ramgarh and After

The new Congress year, *i.e.*, the post-Ramgarh period witnessed as in the previous years a repetition from the lips of high placed men of the same slogans and shibboleths as in the previous months. In his swan song, Lord Zetland who was shortly to give place to Mr. Amery, as the Secretary of State for India, virtually bade farewell to this country with his final repetition of the now well-known platitudes that negotiation, not dictation was Britain's aim in the settlement of India's constitutional policy. That the Indians themselves should play a vital part in devising a sort of constitution best suited to them, but that Britain could not wholly dissociate herself from the task for reasons rooted in the history of the past 200 years. After repeating the usual statements about the Princes, Defence, the Minorities and British interests and the eighty million Muslims, he answered the new point raised at Ramgarh, by saying that if C.D. were started the Government would be bound to take full measures to counteract it. Finally he asked the question "will the Congress refrain from closing the door upon that unity of India, which they themselves so passionately desire ? Upon the answer which the Congress party will give to that question hangs the future fate of India." The occasion for this statement was that the Government sought the Parliament's approval for the continuance of the Governments by proclamations under section 93 of the Government of India Act. With this exit Zetland, enter Amery. As we bid good-bye to Lord Zetland it is but right that we should call attention to the Working Committee's resolution at Ramgarh recording its deep regret on the assassination of Sir Michael O'Dwyer and the wounding of Marquess of Zetland in the Caxton Hall Tragedy by a person said to be an Indian. The Committee attached no political significance to this unfortunate act of violence, nevertheless it wished to reiterate its conviction that all such acts are injurious to the national cause.

Satyagraha now became inevitable and the Congress gave full consideration for the situation in the country as it developed since Ramgarh and the necessity for preparing the country for Satyagraha. The Provincial Congress Committees had bestirred themselves to vigorous activity in pursuance of Gandhi's directions and began to function as Satyagraha Committees, enrolling Satyagrahis active and passive. The reordering of internal affairs and the earnest and thorough pursuit of the constructive programme were the duties demanded of them. And it was a clear injunction that those members of Congress executives who were unable to take the prescribed pledge and shoulder the burden of a struggle under the disciplined guidance of the Congress were required to withdraw from their executive positions. The fulfilment of the conditions was a condition pre-requisite to Civil Disobedience.

### Neither Drift Nor Dash

The situation that developed in April, 1940 was such that it was no exaggeration to say that politics was drifting on the high seas. The boat was simply floating on the waters for the Captain did not know his destination. Political parties were playing Defence games. Either side hesitated

to take the offensive—not on account of timidity, much less cowardice or fear, but because each side sincerely wanted to avoid the fight and all that it might involve—rancour bitterness, spirit of vengeance and everlasting enmity. On the part of the Congress, it made no secret of its desire for friendship with the British provided the latter claimed neither power nor partnership in India. They were welcome to remain here and carry on their business without fear or favour. On their side they too must reciprocate this friendly attitude and acknowledge the right of India to freedom and all that it signified,—namely, parting with power themselves, foregoing their commercial safeguards and political reservations. These were by no means small sacrifices. But if peace and goodwill should prevail, if the ship of State should be guided to a safe haven of internal tranquillity, the Congress and the British Government should come together and talk over matters. As it was, they were allowing things to take their own course and determining each other's attitude in relation to that of the opponent. In other words the winds guided the ship, and not the pilot. In the meantime the Forward Bloc had in a way forced the hands of Government by their ultimata. Government might have awaited developments of an active or aggressive nature emanating from it. Instead, they wanted to prevent any exhibition of fight on the part of the *bloc* and sought to intern, extern or in other ways restrain the freedom of its members and these in consequence for sheer self-respect, felt called upon to disobey such orders. The result was that the inauguration of the National Week synchronized with the starting of the struggle in the country by one section under unavoidable circumstances. The problem for Congressmen in the country, the vast bulk of whom followed implicitly the behests of the Working Committee was as to what they should do at such a critical juncture. They had their leader, their organization and their orders and all these enjoined on the country the preparation of men and women for the coming struggle in strict fulfilment of the conditions laid down by Gandhi. Hurry at this juncture was ruinous. The spirit of competition is obviously and always inconsistent with a programme of Satyagraha whose success rather depends upon the spirit of co-operation displayed by the fighters. Waiting no longer meant vegetation, any more than haste might be taken for progress.

Imagine that we are all passengers in a running boat which is kept well equipoised by the oarsmen on the one hand and equally well directed by the pilot on the other. If Gandhi is the pilot at the helm, if the Congress Executive is the troop of rowers, and the vast bulk of Congressmen are the passengers, would it serve any purpose for the last of these to get flurried and impatient over the slowness of pace and progress in the journey? Such a flurry, any little alarm, the least confusion in the boat, would only tend to upset its balance and neither oars nor the helm can thereafter save the passengers from being drowned. How often have we not come across stories of twenty or thirty passengers in a boat, some rushing to get to the shore earlier than others and all falling into the deep waters from the upturned boat? How equally often have we not heard the story of a snake, a lizard or a frog in a boat causing an alarm amongst passengers and in the result of the happening of a catastrophe? Political catastrophes follow the lines of physical disasters. Success lies in orderliness, discipline, self restraint, spirit of service and dedication of publicmen to the cause of national uplift. Great revolutions failed in the past as much by being set up too soon in the field as by getting too late into it. The wise soldier obeys orders

and fights the battle to a success without falling a victim to arrogance or inertia.

Great events took place in the governance of the Empire. Lord Zetland made way on the 10th May, 1940 for Mr. Amery at the White Hall. Mr. Amery had been out of public life for three or four years, prior to that he had been a *persona grata* for a number of years and filled more than one position in the Cabinet. His was one of the six names of the coming men whose sympathy in the opinion of Mr. Edward Thompson, who had visited Wardha in the autumn of 1939, would ensure a correct solution of the Indian problem. India knew the ultra-Conservative views of Mr. L. S. Amery, although a "recent" publication by him on India appeared to show him in more presentable colours than earlier. If, therefore, anyone allowed himself fondly to believe that Mr. Amery had turned a new leaf in the book towards India he was very much mistaken as was amply evidenced by his utterances and attitude during his term as Secretary of State for India. Amongst the six names referred to by Mr. Thompson was that of Mr. Winston Churchill who coupled it with the Premiership of Britain and mentioned in November 1939 that the change would come off in six weeks from then.

Winston who went to South Africa as War Correspondent in the Boer War and took to arms was captured by the enemy and escaped after a journey of three hundred miles on foot. That was how he shot into prominence apart from being the son of his father, Lord Randolph Churchill. Winston Churchill could, it was hoped on all hands, hasten the speed of war and wage it to a victory. But with a man of Churchill's quick decision and firmness of action, the country knew it must be prepared for Gallipollis as well as Marn rivers. Coming to the Indian situation Churchill was spoken of highly by English friends who visited Wardha on their own mission in the winter of 1939. He was the man that believed in giving his enemy "a good beating and a generous treaty." This, he said, was what the Britisher gave South Africa and this is what he would plan for India. He could either open the door and admit you into his confidence or bang the door against you and say "Martial Law and no damned nonsense." The Indian situation would, it was anticipated, therefore be no longer hanging between the *terra firma* and the high skies. For seven months Britishers had been playing at hide and seek. Now came the time and the person for a straight talk and a final termination of this sickening stalemate.

But disappointment was clearly in store for India. Shortly after the Government had changed in Britain, two notable pronouncements were made, the one by the King of England and the other by Mr. Amery. The 24th of May has been since the death of Queen Victoria observed as the Empire Day. It was inauguarated by Earl Meath. Year in, year out, the day has been celebrated now for 40 years and the celebration of 1940 bore special importance, in that the King of England gave a broadcast on that day which ran as follows :—

> "I speak to you today with a new vision of this Empire before my eyes. Now that it has come into conflict and sharp comparison with an evil system which is attempting its destruction, its full significance appears in a brighter and more certain light. There is a word which our enemies use against us—imperialism. By it they mean a spirit of domination and lust of conquest. We, free peoples of the Empire, cast that word back in their teeth.....It is they who have their evil aspirations. Our one object has always been peace."

It was made doubly clear that India had no place in sharing the freedom that might result from the war, but was only to bear the full burden in standing the blows and the buffets of such a war. Neither Mr. Amery's speech nor the King's Broadcast brought any ray of light on the problems before the country. Only Sir Stafford Cripps on his return from India had a good word to say for India. His pronouncement at this juncture was of considerable value in that it commended the Constituent Assembly as the one solution for India's problems and India.

Mr. Amery's first pronouncement in the House of Commons bore a strict family resemblance to the earlier pronouncements of his prdecessor and set the pace and the tone for his own future pronouncements. A close and comparative study of his various speeches in the course of the next year will be presented in these pages in one composite picture. In the meantime, the continuity of the development of the story and the struggle of India in the war, demands a passing reference to the salient points in his speeches as they were delivered from time to time. In his maiden speech in the House of Commons,—really it was a matron's speech for this seasoned veteran,—Mr. Amery declared "that the attainment by India of free and equal partnership in the British Commonwealth is the goal of our policy as it was of the late government." He recognised that it was for Indians themselves to play a vital part in devising a form of constitution best adapted to India's conditions and India's outlook. "Negotiations and not dictation," he said, repeating the words of Lord Zetland in the House of Lords in April, 1940, underlay the re-examination of the policy and plans of the present scheme at the end of the war. For the rest, such terms as "an agreed settlement", "legitimate claims of all communities and interests", "our contribution towards a settlement", "acute cleavage of opinion," which he refused to regard as unbridgeable, "provisional accommodation," "Resumption of office by Ministers", "Representative Public Men on the Central Executive—are all the oft repeated catch words and stock in trade of British Conservatism.

The Rt. Hon'ble Mr. Leopold Charles Maurice Stennet Amery, who has been included in the Churchill Cabinet as the Secretary of State for India made the following observations in *March last* on Indian problem.

> " India has arrived at a stage when she deserves independence. She now may be regarded as a member of the Continent. India to-day holds the supreme position amongst the Asiatic nations so far as the mental progress is concerned.
>
> " There is a feeling amongst all classes of M.P.s in this country that India's grievances should be met at the earliest possible time. Her case has been investigated very carefully by all well-informed people in England, and every one is convinced that she has come to a position when she can evolve a scheme to manage her own affairs herself, provided of course, she can come to a settlement with all communities. We helped them in constructing their homes, and if they now want to reconstruct their homes Britain should not object to this. But that home should be reconstructed perfectly, and with great care, not to collapse in future."

Asked whether a Constituent Assembly as demanded by the Congress is desirable, Mr. Amery said : " In my opinion a Constituent Assembly, best suited to India, should be framed with 10 or 12 representatives from different provinces, and consisting of all classes of people, including Europeans."

Asked whether a Constituent Assembly on the lines of those in Canada and South Africa would not suit India, Mr. Amery showed scepticism, and stated that different country requires different plan of working, and what suited to Canada and South Africa, may not suit India at all. He expressed the view that India's internal, external and strategical positions do not permit her a Constituent Assembly on the lines introduced in other Dominions.

Asked what should be his suggestions to Indians at this critical moment, Mr. Amery said : " I will be very happy if the Congress works in co-operation with the Viceroy."

Asked what would he think in case the Congress instead of co-operating with the Viceroy started Civil Disobedience movement, Mr. Amery said : "I do not know exactly what the Government has in its mind, but it will be no doubt really very unfortunate if the Congress does something which is incompatible with the present situation."—U.P.

It was made doubly clear that India had no place in sharing the freedom that might result from the war but was only to bear the full burden in standing the blows and the buffets of such a war. Only Sir Stafford Cripps on his return from India had a good word to say for the country. His pronouncement at this juncture in the House of Commons on October 26, 1939 was of considerable value in that it commended the Constituent Assembly as the one solution and means of salvation for India's problems and India. The statement is quoted in full :

## INDIA'S FUTURE

### Sir S. Cripps on Congress Demand

" I am convinced that India's salvation remains in a Constituent Assembly," said Sir Stafford Cripps in course of an exclusive interview to the 'United Press.'

" The Congress everywhere," continued Sir Stafford " took the most, active part in the agitation and worked hand in hand with the intellectual section of the working classes. The Congress has now begun to deal with the question as to how the moral power of the people could be organised to the best advantage in order to bring their points to the notice of Parliament. There is a growing feeling amongst all classes of Indians that Parliament pays very little heed to Indian affairs. The Congress demand is national in character, embracing all shades of popular opinion and is a manifesto of the masses. Yet it is to be feared that the British Government would disregard a manifesto of this nature. The result of this would be the outline of a plan of a Civil Disobedience, which the Congress believe should bring the whole moral power of the people in support of the demand. The final weapon in the armoury of the Congress Civil Disobedience would be a proclamation of a whole-sale strike throughout India. The peasants and labourers hold the belief that Congress will liberate them from landlords, and the capitalists and it was precisely for this reason that the Congress has made a powerful impression upon the nation. Most of the Indians to-day are anxiously looking forward for a lead from the Congress. They expect everything from Congress, and they are opposed to Mr. Jinnah's scheme of dividing India. Their watchword is 'concentration of all efforts in order to obtain freedom.' Mr. Gandhi is a convinced adherent of a peaceful policy and considers that every appeal to physical force weakens the influence of moral power, and is a vote of censure upon the invincible power of truth. It is

indeed a fact that a great majority of Indians hold the view that the physical force agitation is harmful and injurious to the movement. I met every class of Indians during my sojourn in India and most of them gave me the impression that violent words do not slay the enemies but the friends of our movement."

### Love for Liberty

"Every one in India to-day," Sir Stafford went on to say, "whether literate or illiterate has a passionate love for liberty, law and justice and respect for self-determination.

"I had the privilege of meeting all shades of opinion. These experiences have left me with a deep impression of the gravity of the situation in India and our lack of knowledge thereof at home. No body can deny the fact that Congress wield a great influence throughout India, and it can come out from the yoke of British ere long if it desires so, but because it wants to move in co-operation with the Muslim League, the independence of India is held up."

### Constituent Assembly

Asked what would be his constructive suggestion for the immediate solution of the communal problem, Sir Stafford said, "I am convinced that India's salvation remains in a Constituent Assembly."

Asked what would be his suggestion to the British Government, Sir Stafford declared that he would press the Government to declare unequivocally that self-government would be introduced in India within 12 months from the date of the conclusion of the war, and "I am sure, if a declaration is made to this effect, there will be a solution of the communal problem and the Congress may remain silent until the war come to an end."

An earlier speech of Sir Stafford in the House of Commons soon after his return from India in winter of 1939 is worth quoting to show Cripps *vs.* Cripps—Cripps before he joined the Cabinet and Cripps as he turned out to be after.

"A good many honourable Members have addressed appeals to the Indian people and to the Indian parties to be reasonable under the difficult circumstances of to-day. I believe it is *more important to address those appeals to the government and the people of Great Britain* than it is to the people of India. I think that statements which have been sent out by the Indian Congress have been reasonable and dignified, setting out a point of view which they hold deeply and earnestly, and asking for the assistance of the government to help them to solve a difficult situation.

I regret very much the final passage of the Lord Privy Seal's speech.... I think it showed a lack of appreciation of the new circumstances which have inevitably arisen....*The new developments in the world situation* and the avowed objectives of the British Government in declaring war, *have made the treatment of India a test question* in the eyes of the world, as well as of many people in this country and the people of India itself. It raises, indeed, the whole question of our future intentions as regards British imperialism....

### Invalid Argument

The argument has been brought forward by the Lord Privy Seal that it is difficult to work out any *satisfactory method of central self-government for India because of the communal difficulty. That, in my view, is not a valid argument.* The same could be said of Poland with its Russian, Jewish, German and Polish citizens. The same could be said of Czechoslovakia with its

Sudetens, Czechs, and Slovaks; and *I cannot understand the argument*, if it is put forward on *the basis of democracy, which deprives a majority of its rights, in order to protect a minority.* It may be necessary to modify some of the rights of a majority, and to get them to agree to such modifications, as the *Congress has willingly agreed* but you are not justified in taking away the rights of a majority because you assert that you desire to protect the minority. If you do so, you are, in fact, converting the majority into the minority.

It is essential, if you are to have democratic government, that the minority should obey majority rule, and that is what happens in this country every day of the week. If you accept democracy, if you set up a democratic system, which is to ascertain which class. or caste, or party is in the majority, you must then accept the results of that democratic system, and, at the moment, whether you like it or *not, the Congress Party is in the majority* in British India.....

## Professions and Practice

Before making one or two practical suggestions of what might be done to resolve the situation, I desire to mention one other matter. That is the *effect upon the European situation and upon our difficulties in Europe*, which our refusal to grant a further measure of self-government to India at this time is likely to have. I believe that *effect will be shown* in three ways. *First* among a large number of our own people it will demonstrate *the unreality of the Professions of this government about the freedom and democracy which they desire* and will, thereby, seriously diminish *the unity and the force of our war effort. Secondly*, I believe that among *neutrals*, and particularly in the *United States of America*, where there is very great interest in the Indian situation, it will reinforce isolationist and *anti-British tendencies*. ....*Thirdly*—and this fact we must face fairly and squarely—a hostile *non-co-operative India, with all the dangers of conflict* in India which that is bound to bring, if tempers are exacerbated, is certainly not going to help us in our difficulties, and may become *a grave hindrance.*

....What I suggested was that if we profess to be fighting this war for freedom and democracy and deny it to a part of the British empire which, on our own admission and on the Governor-General's admission, *is fully fit for self-Government*, the Indian people will say, "This is only another case of the British professing one thing and doing another." I believe we have to make up our minds, therefore, whether we are genuinely determined not in words but in action, to give self-Government to the people of India—and I believe that if we did so, we should be able to welcome that country as a great and powerful ally and friend for all the years in the future—or whether we are to ally ourselves with the *reactionary Indian princes*, as we have been doing in the past, for a joint exploitation of the Indian people by the British Raj and the Indian princes.

## New Elections

What then ought our reply to be to the request put forward by the Indian Congress for the elucidation of our war aims and intentions as regards India? I suggest that it ought to be made, and made now, upon lines somewhat of this kind:

....The Indian people can be assured that our immediate objective is self-Government for the Indian people.

....*Secondly*, we consent to the election of a new Central Legislative Assembly for British India....I see no difficulty. The right honourable gentleman has said that you cannot have an election in India. *You have elections in Quebec, so why not in India*? If people are busy, put more people on. Surely we are not going to say that we will jeopardise the whole future of this country in India because people are so busy in India that they cannot have an election. That seems to me to be so fantastically unreal, in the face of the enormous dangers that exist in this situation, that it cannot, I am convinced, be anything *except an excuse* that is put forward by people who do not want an election in India today....

*Thirdly*, the majority parties in that legislature should form a Government which the Viceroy should then appoint as his Executive Council.

It is true that, technically and in accordance with the constitution, the *Executive Council would not be a cabinet*, but there is no reason on earth why our Government should not give an undertaking that the Viceroy would deal with that Executive Council, so appointed from the members of the Legislative Assembly, *as if it were a cabinet on all major matters*; that is to say, he would accept their advice as the Crown here accepts the advice of the cabinet *when duly tendered to it.*

On the basis of that immediate rearrangement, and on the basis of our pledge to grant full self-Government after the war, we could, I believe, with safety and confidence, invite the wholehearted co-operation of the Indian people in our effort to establish democracy and freedom in the world, of which determination we should have given an earnest declaration by our willingness to co-operate with India in winning her own freedom and democracy at the earliest possible moment.. That declaration would not only, I believe, win the support of all British India, but would be acclaimed throughout the world as a great act of a great and sincere democratic people."

Shortly afterwards, *i.e.*, on 5th June, it was announced that the British Charge de affairs had notified M. Molotov of the British Government's intention to appoint Sir Stafford Cripps as ambassador in Moscow in the place of Sir William Seeds, the status being that of an ordinary ambassador. without extraordinary functions. The Soviet Government had no objection. Sir Stafford's appointment was one of the biggest surprises in British politics. He visited Calcutta in the cold weather of '39 and went by air to Chungking and after an aereal tour of China, which extended as far as Sinkiyang, he returned to England *via* Moscow. His impressions on India have already been referred to as also his advice to White Hall to hasten a *rapprochement* with India. Sir Stafford is the son of Lord Parmoor, a Labour Peer, who passed away on July 13, 1941. Cripps was a member of the Labour Cabinet of 1930 as Solicitor General. He was expelled from the Labour Party on 25th January, 1939 by the National Executive on a report of the party's organisation sub-committee on Sir Stafford's " Popular Front Activities," and on his refusal to reconsider his position and to fall into line with party policy. A later attempt at the 38th Annual Conference of the Labour Party held at South Port in May-June to refer back the report was defeated by an overwhelming majority on a card vote. Sir Stafford applied for readmission on May 30th promising to abide by the decision of the conference on the " Popular Front ", but this letter was referred to the new Executive. Later in 1945 he was at last readmitted into the party.

All the perturbation in India in the last week of May and 1st week of June, 1940 was but the result of the repercussion of events marching ahead in France as the scene and centre of gravity of the war. The sands of time

were running fast at any rate for France. The fall of Danzig, the overrunning of Czechoslovakia, the rape of Poland, the attack on Holland and Belgium and Norway, all these were but incidents in a developing war which culminated on the 14th of June in the fall of France. The Working Committee of the Congress was in session on the 14th and the news of the tragic surrender of France which trickled down on the radio on the 15th and 16th burst in upon a dumbfounded world on the 17th. The disaster of Dunkirk had just preceded the tragedy. France fell. And what next? Hitler was irrepressible. The invasion of England was on his brain and the fall of France gave a grim reality to his fanciful boasts and bravadoes. If England was invaded where would India be? India had for over a century and a half been made to tie herself to the coat tails of England. It did not require much imagination for the Congress not so much to realise its position—as to confirm once again, if confirmation was necessary, that its considered object was complete independence for India. After nearly a week's cogitation, the Working Committee passed a resolution involving vital points. The study of the positions taken up at Wardha would be made still easier if it is brought in the knowledge of the public once again, what they doubtless knew at the time that it was just on the eve of its sitting at Wardha in June that Gandhi had written his famous letter 'To Every Briton' and was waiting to deliver it to the Viceroy for transmission to the British Government. His whole frame of mind was naturally set in tune with that event. Suddenly he saw a new light. All the past history of the Congress vanished out of his view as if it were a morning mist that was dispelled by the rising sun. A conflict had now come definitely into more marked being than ever before. How could Gandhi, with such pronounced views, so far removed from the accepted conventional views of the day, lead the Congress? Even at Ramgarh, three months earlier, he had mooted, nay emphasised the contingency of his going out of it. Importunity and exhortation retained him. At Wardha in June the position merely repeated itself. His draft shows his abounding sorrow over the fall of France, for the humanities associated with which the defenders were as much responsible as the aggressors. The victroy itself was worthless. The Congress should feel proud for the weapon which it furnished as a substitute. Should that weapon be merely a weapon of the weak? It must be employed as a weapon of the strong,—as effective substitute for violence in time of internal commotion and possibility of external aggression. Here lay a duty upon the Working Committee. If it adopted the new weapon, would it not be breaking with its past or betraying its trust? True, it has been employed against the British. But it could not solve the communal problem. The suggestion that acceptance of office was the remedy was fruitless. For Congress could not think of office without adequate power or suitable atmosphere. If Congress could not abstain from the use of force, Congress must not seek power, until it acquired non-violent control over the masses. That meant a revolution in Congress mentality. The Working Committee would be guilty of betraying their trust really by abandoning non-violence. It must accordingly declare to India that it would lead the nation to a discarding of arms in repelling foreign attack and would develop a band of non-violent men who would become a living wall against the aggressor. This requires a purge of its doubtful members or preferably a voluntary retirement of those who have no faith in non-violence. That solves also, incidentally, the question of Civic Guards backed by violence. There could be no co-operation that way, nor could the Congress make any material contribution to the war chest. The Congress,

however, could give moral influence if the British Government deserved it by their action. But they would not and could not take it.

When Gandhi's propositions were scrutinised the conclusion was irresistible not merely from a highly ethical stand-point, but even from the commonplace point of view of practical politics that organised violence, apart from its being immoral, was bound to be inefficient in a country like India but that meant accepting the advice of Gandhi to take over the governance of India after non-violence had been established and the declaration of policy to that effect, the Working Committee could not, however, be blind to the National feelings at this juncture which led them to doubt the correctness of Gandhi's proposition; but Gandhi's firm faith could not tolerate any deviation on his part. The Working Committee naturally did not want to hamper him in the pursuit of his policy and principle. It was Gandhi's firm conviction that people must stand for their inner feelings,—not support non-violence outwardly and act with violence in reality. The issue was an immediate one, not one to be considered some time later. The British power began to crumble though it might take time to disappear. It was never effective in protecting people against harm though it did well enough in punishing evil. It could never prevent decoities, though it claimed todo so sometimes. If this picture was right the country must prepare for a non-violent defence. If people asked Gandhi *how*, he might not be able to give a cut and dry programme, the position as it stood that day they must see. They must tell Congressmen as to what they should do (1) in case of riots and decoities and (2) if the Afghans came into this country. " If the Afghans came, let us die before them. Even if I have the whole of India today I should do the same. I don't want the army. Similarly with regard to decoities. That will be the state that the Congress will take over. To-day, we cannot do it. We are not fighting the English but ourselves." He felt that time came for non-violence to establish itself. " One could not look to the east and walk to the west ". But "has the time come ? " ask the doubters. So did they about non-co-operation, passive resistance, the triple boycott, the constructive programme, civil disobedience and Satyagraha. On the top of which all lay non-violence as the crown and crest of the pyramid of Swaraj. As against all this it was contended that Gandhi should not break away during a life and death struggle following severely the logical corollary of his principles. Life is different. Gandhi's burning convictions should only stimulate greater effect on the part of the nation towards the constructive programme. He had long known the weakness of the nation. It was Gandhi's duty, was it not ?,—to be generous ; justice was apt to be stern and therefore make generosity itself stinted. Let the nation not destroy this great work of art of 50 years of building and of 20 years of re-building and finish. Let the nation do nothing to disfigure or disable it. Gandhi was the doctor and the nation was the hospital. If the patients in the hospital were not whole, would the doctor run away from the scene of labours? Gandhiji at last relented. He would be delighted if his colleagues could follow his trend of thought. They could not have both non-violence and violence in their resolution. They were still tolerating the army doubtless, but to disband it was his object and desire. So far as the provinces were concerned he would concede the policy. As for the centre, it would be time for him to decide when the nation got the power. Accordingly in the resolution of June, 1940, " they recognise that he should be free to pursue his great ideal in his own way and therefore absolve him from responsibility for the programme and activity which the Congress has

to pursue under the conditions at present prevailing in India and the world in regard to external aggression and internal disorder." It was doubtful whether the resolution though it only stated that it absolved Gandhi in regard to Military and Police matters, did not really relieve him of all responsibility, including leadership of Satyagraha. Could he lead the movement with this resolution on paper? Then would it be his opinion that no Satyagraha was possible, unless the Congress was agreeable to the elimination of the Indian army or did Gandhi on the contrary hold that the British Government had practically vanished on the fall of France, that India was practically independent and order her affairs on a truly non-violent basis? Not that Gandhi must say what he will do when he is in power, for he himself cannot say what he may do, but that the nation must make a beginning even from then and placing the matter before the people and canvassing their support for the new idea. What he could not bear was anyone saying that our volunteers might be peaceful or violent. That would cut him off at once and there was the parting of ways.

The thoughts coursing along men's mind at the time were somewhat as follows :—Was it a parting of ways that took place at Wardha in June 1940? Having studied in outline the different stand-points involved in the so-called crisis in the Congress, we must now proceed to answer some of the questions that have been raised by well meaning friends of the Congress in this connection. Does Gandhi believe that the country is prepared for this experiment which really is the consummation and climax of his ideas? Have all people, in his view imbibed his high spirit which alone can justify his experiment and without which it would be hazardous to contemplate it? One might as well ask when professors examine candidates and declare them to have passed the test is it suggested that the candidates are equal to the professors in knowledge and learning? No, you pass your matriculation examination if you get a certain percentage of the marks in each subject and on the total 35 per cent generally entitles one to a pass. That is to say, while the candidate's knowledge is 35 per cent his ignorance is 65 per cent. And even so only 22 per cent of the candidates are passing the test. There is, therefore, a heavy shortage in the number of passes and an equally heavy shortcoming in the measure of knowledge. Yet the Universities run, the professors examine, the parents educate, the boys struggle. Judged by the standards of a University of which all of us are ardent votaries, where is anything wrong in urging that if the Indian Nation has passed its examination in Non-co-operation in 1920, Passive Resistance and Civil Disobedience in 1921 and graduated in Satyagraha in 1930 and 1932, it may attempt an M.A. or honours course in the self-same Satyagraha in 1940 or 1941? Should we not hurry up while yet the founder of this new University of life is alive, while we can receive a post-graduate course and guidance from him? It is no use saying that when the Satyagraha army of non-violence is not ready, we cannot dissolve and disestablish the *duragraha* army of violence. It is true that even as nature abhors vacuum, politics too does abhor it and something must rush in to fill it. But if no attempt at all is made to prepare that *something* which must be the substitute, the dread of vacuum must always remain there. It is the old story of learning to swim without dipping in the waters. The two processes must go on *pari passu*. In fact, both are the same process with but different stages. An analogy like this implies that there should be a give and take in the transitional period. Of course, there must be. The politicians can ask for the Police and relax the military or *vice versa*. Gandhi himself is not against the police for a while and will

perhaps be prepared to consider the question of military as well, as an interim measure but the principle must be conceded in unequivocal language and unambiguous spirit. The resolution of the Working Committee has indeed attempted some such thing. It has reaffirmed its faith in non-violence and expressed its fears about the disestablishment of the military. It is easy to describe this position in witty language as a person *facing East but walking West.* Parodying is a cheap pastime particularly in politics but spiritual advancement is not accelerated by sallies of wit or humour.

If the process of transition from violence to non-violence in national affairs is to be effected smoothly, you cannot get it by a kaleidoscopic shake so as to place all our strategy in a new design. We must, therefore, prevail upon Gandhi to view our failings with sympathy and exercise his judgment so as not to allow sternness of justice to stint its generosity. After all Gandhi is the doctor and we are the hospital. Without him we cannot get his treatment, without us he may pursue his experiments nevertheless, but not on a nation-wide scale. During the few years left to him, it is his duty to give and our right to get his best for the world. Let us not exaggerate the effects of the Wardha Resolution and get into a panic saying that hereafter the constructive programme is doomed. The Working Committee has only hesitated to make a revolutionary change in its existing policy, it has not reversed its policy. Non-violence is still its pivot. The Constructive Programme is still non-violence in action. Panic always emanates from a spirit of exaggeration and those who exaggerate their hopes or fears are those that ardently feel for a cause. It is the orthodox wing, therefore, that is apt to fall an easy prey to this self delusion. Our failures in the past must be an added incentive to an augmentation of effort in the future, not to a feeling of despair, despondency or disdain. When the new programme was started, it converted the Congress to it. The higher rungs of this programme, will doubtless take the Congress to still higher altitudes. But as Gandhi himself stated there is a spirit of violence in the air. We know that if chaos and anarchy ensure in the near future the Congress Ministers, if in office, will have to resort to naked violence which would be destructive of our hopes once for all. If the Congress means to build anew, it may have to build from bottom to top and therefore have to restrain itself considerably. The times are bad enough and worse times may be in store and the very reason for taking up office to control anarchy may be good enough reasons for not discrediting ourselves through office. Gandhi is positive that the way to non-violence does not lie through office. It is his belief that if we had had enough of non-violence, even the British could not have prevented a hearty understanding between the Hindus and the Muslims. After all non-violence is a direction, not a destination. It is an attempt and attitude, not an attainment. There will be immediately no more perfect non-violence than there is truth and purity, justice and generosity. These are perfect positives in a world of negatives and all that we can do in our short lives is to leave the atmosphere purer and kindlier than we found it in the humble view that all purification is corrosion one step removed even as all science is ignorance one step removed. In the end, one may recall the prophetic words Gandhi had spoken at the conclusion of the sittings of the 2nd R. T. C. in London in 1931 in pleading for the recognition of the Congress organization :

> "You distrust that organization though you may seemingly trust me. Do not for one moment differentiate me from the organization of which I am but a drop in the ocean. I am no greater than the

organization and if you find me a place, if you trust me, I invite you to trust the Congress also."

The fact is we are handling a new science. We are not acquainted with the elements of it. We are to solve problems which thousands of years and hundreds of experiments have not been able to solve. Into our midst has come a new scientist and we have helped to constitute his laboratory. Let us labour together and make new discoveries which will yet save Europe from eternal perdition. Our scientist is not merely a man of science, he is a well-known expert in Art and it is thus that he has built this great work of Art called the Indian National Congress. We, who have co-operated with him in raising this monument shall not be parties to its destruction. And if we desire the leadership of such a rare emanation of the Divine, we must deserve it. Let us, therefore, at this crucial moment indulge neither in despair nor in derision. There is no reason why with a little more patience on one side, and a little more forbearance on the other, the Congress may not be made the instrument it is destined to be, to carve out a new world hastening the realization of the poet's dream,—

The Bridal time of Law and Love,
The gladness of the World's release,
When, warsick at the feet of Peace,
The Hawk shall nestle with the dove.

Such were the thoughts kindled in the minds of Gandhi's orthodox colleagues during the momentous day following France's fall.

The grim resolve of the Working Committee to meet at frequent intervals and the warning given to all members thereof to keep themselves in readiness to obey all urgent summons, coupled with the decision to summon the A. I. C. C. at the end of July, 1940 impressed the nation with the seriousness of the situation. In the meantime, the office was whipping up the subordinate committees with regard to the organisational and preparatory measures which the committees might be taking to get ready for the hour of trial. Pledge forms were widely circulated. A deputy of the Working Committee Sri R. S. Pandit was sent round the provinces to gather full and first hand information regarding the volunteer movement. Information was required to be furnished through fortnightly reports on the maintenance of discipline in the Congress organisations, the particular groups, if any, in them, the nature of their activities and how far they were hampering Congress work and whether there was any indiscipline. That was not all. A questionnaire was circulated for information covering the steps taken to popularise Khadi, establish contacts with Harijans and minorities, the efficiency of office work, the reaction of Congress members as well as of the public to the preparations for the Satyagraha, the co-operation of the subordinate committees as well as the local boards in this behalf, propaganda work carried on and training camps held in the provinces. On their part Government pursued repression with redoubled vigour carrying on its programme of arrests and imprisonments, searches and detentions on a heavy scale. The Congress was serious about its work ahead. The fall of France was certainly a landmark in the development of the war, and one that justified another interview between the Viceroy and Gandhi. The latter was " invited not as a party, or a leader at all, " as Gandhi himself wrote, " I was invited as a friend, to help him, if I could, to come to a definite conclusion, especially to interpret the Congress point to him,"—and this at a time when things

were moving with lightning velocity. The first thing according to him that every one had to consider for himself was whether Dominion Status of the Westminster variety could be acceptable to India. He was of the view that if it had not become a myth already, it would, at the end of the war. " Britain herself victorious or defeated " said he " will never be the same as she has been for these few hundred years. But this much is certain that her defeat, if it must come, will certainly be glorious. If she is defeated, she will be, because no other power similarly situated, could have avoided defeat. I cannot say the same of her victory. It will be brought by progressive adoption of the totalitarian means." Gandhi was sore grieved at the rejection by the British Statesmen of the only moral influence, they could easily have got from the Congress to turn the scales into Britain's favour. Perhaps they did not conceive the moral influence itself which, Gandhi had claimed for the Congress. It was clear to him that India's immediate objective must be unadulterated independence. Then he expressed his hope on the question of internal disorder and external invasion that Congressmen would resolutely decline to have anything with the use of arms.

The offer of enlarging the Viceroy's Council was on the tapis. The Congress could not countenance it both because it swore by independence and non-violence and it would be logically drawn into reconstructing Congress Ministries in the Provinces. That would mean the Congress becoming a vital part of the war machine. If Gandhi would have his way he would not touch any of those jobs nor grudge those who believed in the accepted methods filling all those posts. The Congress had to make its choice.

The urgency of affairs based upon the surprises of the European war demanded a meeting of the A. I. C. C. and confirmation of the new step taken by the Working Committee, coupled with a re-examination of the bearings of the problem in its many aspects,—particularly in relation to the Ramgarh resolution. It was almost felt that the Working Committee had to sit from day to day, and, if it did not exactly do this, it met, within a fortnight of its dispersal from Wardha, at Delhi on the 3rd of July.

In Delhi the old difficulties presented themselves with reinforced emphasis. Gandhi again brought the question of non-violence to the fore. Pointed attention had been drawn by him to the confusion prevailing amongst Congressmen as to the interpretation of their last statement made in Wardha on 21st June. Certain newspapers and individuals, including Congressmen, had begun to believe that the Committee had given up non-violence as an integral part of Congress policy, in spite of two clear paragraphs in the Wardha resolution emphatically and unequivocally declaring that policy. Accordingly Gandhi felt that the Working Committee should re-state the position to the effect that it exclusively relied upon Congress Volunteers, pledged to non-violence and to Congress discipline, in order to deal with internal disorders to the extent that was possible, and all co-operation of our volunteers and Civic Guards with other similar organisations must be on a non-violent basis. On the question of meeting external invasion, Gandhi owned that the Working Committee never had any occasion to determine the Nation's duty up till then, but, considering the proved futility of violence to defend the Nations of Europe, he felt that there was sufficient indication for the Working Committee for coming to a decision. But till that hour came he felt that the Working Committee must keep an open mind. In this view it followed that Congressmen must not have anything to do with Military training or activities calculated to make India military minded. And therefore the Working Committee, he felt, could not but view with

grave alarm the attempt made in an organised manner to prepare India for military defence. (Let it be remembered that we are talking of the beginning of Delhi meeting and not the end, and therefore the military defence contemplated herein related to Civic Guards and not the military aid promised for India's defence in the Delhi resolution.)

For facilitating the study of the evolution of events as they were shaping themselves from week to week it would be just as well to prepare the narrative of events happening at Delhi in the 1st week of July, 1940 with the resolution that was actually passed by the Working Committee on the political situation. But here in Delhi as there at Wardha a fortnight earlier Gandhi drafted a resolution of his own which was replaced by the one that was passed. The Working Committee re-examined the whole situation and felt " more than ever convinced that the acknowledgment by Great Britain of the Complete Independence of India was the only solution of the problems facing both India and Britain and that as an immediate step in giving effect to it a provisional national Government should be constituted at the centre which though formed as a transitory measure, should be such as to command the confidence of all the elected elements in the Central Legislature and secure the closest co-operation of the responsible Governments in the Provinces." The Working Committee declared that if these measures were adopted, it would enable the Congress to throw in its full weight in the effect for the effective organisation of the defence of the country. This resolution came up for repeated analysis,—as often as it was mis-understood and mis-represented. It was the identical resolution passed by the A. I. C. C. at Poona, as will be presently seen and it was construed by Mr. Amery into a demand for overhauling the whole constitution during the prosecution of the war and it was further construed into a demand for Responsible Government, when all that was demanded was that it should command the confidence of all the elected members of the Legislature. A responsible Government should command the confidence, not of all the elected elements, but of the majority element which returned it to power. Such an arrangement would mean fresh elections to the Federal Legislature which would raise the question really of overhauling the constitution as Mr. Amery said. For the Federal part of the Government of India Act Part II had been suspended at the commencement of the War. That was why the Delhi Resolution spoke of the confidence of all the elected elements in the Central Legislature. This running commentary has been given in order to fix in the mind of the reader the fullest significance of the Delhi Resolution, which repeated the demand of a declaration of India's Independence and the Establishment of a provisional national Government prerequisite to " Congress throwing full weight in the efforts for the effective organization of the defence of the country."

To maintain continuity though it may involve anticipation of events, the Working Committee's Resolution on Ban on Volunteer Organisations is given here below:

The Congress Working Committee concluded a six-day session, which is one of the longest in recent times, after passing a resolution this morning on the Government notification regarding volunteer organisation.

The resolution says that the Committee are not in a position to understand the real purpose underlying this ordinance as it is too widely and vaguely worded and liable to abuse in its application.

"While fully agreeing that private armies and organisations for furthering political or communal objectives by intimidation or force are objectionable and should not be permitted, the Committee point out that there is no analogy between such armies and Congress volunteer organisation. The Committee trust that the Ordinance is not intended and will not be misused to suppress lawful activities of such volunteers and direct Congress volunteer organisations to continue their normal activities."

It is understood that the meeting of the All-India Congress Committee fixed for September 15 will be held in Bombay.

Gandhi's emphasis was all along on a non-violent state. Tracing the progress of events chronologically, we note that the resolution of the Working Committee on September 14, 1939 embodied the principle of co-operation with Britain in war time on certain conditions. What was the co-operation contemplated therein? Let it be remembered that Gandhi had stated in his first interview with the Viceroy that he would offer unconditional co-operation, and later explained that what he offered was moral co-operation, not material.

It is just possible that on September 14, 1939 when the Working Committee passed its historic resolution on war,—*i.e.*, hardly a fortnight after its outbreak—the Working Committee and Gandhi were thinking of different meanings of co-operation, for it was not till long after that Gandhi explained his proffered unconditional co-operation as moral in character, and that was in answer to a virtual challenge from a newspaper in London. It is evident now that Gandhi has all along been thinking of only moral co-operation, both for himself and for the Congress.

The point came up for clarification after the fall of France on June 14, so that the atmosphere had altogether changed by the time the Working Committee met on June 17 at Wardha. The question of non-violence assumed practical importance. The differences on the issue came out in all their polarity. In Delhi the question assumed an added importance by virtue of the practical bearing of the decision on the issue of the demand and the offer to be made, of and to, the British Government, Gandhi stood up for the demand of Complete Independence being acknowledged now and here by Britain, and for the offer of moral support by India. The Working Committee agreed with Gandhi in respect of the demand but differed in respect of the offer.

The difference was really one based on a principle. It was not a difference based upon a personal element and the attitude of India towards Britain. All were at one in condemning the Fascism of the day as well as Imperialism. If Britain shed the latter, and proved the fact by acknowledging the Independence of India, she would be no longer guilty of Imperialism on the one hand, and, on the other, would be able to negotiate the co-operation and support of a free India. This sentiment was clearly expressed when Gandhi said on December 4, in a cable to the *News Chronicle*: "I am anxious as a friend of Britain, bound by many personal ties, that she should come out victorious —not because of superiority in arms but because of her will to be just all along the line."

It would thus be seen that, though they agreed that a free India meant well by Britain, yet they differed on the issue as to how a free India should be organised and equipped. Those who would concede the correctness of making the future free India a non-violent State, would still halt because

the sanction of the Congress was as yet wanting. At the same time, everyone could readily see the urgency of the issue as visualised by Gandhi.

Having examined the Delhi offer which would shortly be confirmed in Poona as has been done so far in relation to non-violence, it is necessary to examine it once again in relation to the scheme of national Government on its merits. The question was whether the Congress should without lowering its demands work the National Government, in the hope that it will be able to elbow its way on to Independence. There was no doubt that National Government would bring in its train, a number of problems beset with difficulties. Anything which the Congress did must be honest. National Government was given, it must be accepted, all the while knowing,—and letting the British Government and the world know, that the fate of the British was hanging in the balance.

Gandhi understood the scheme and the points involved in it, but felt that the thing was not tempting enough for him. There was a second point which would clinch the matter for him. By National Government, did its sponsors visualise the elimination of the Viceroy and the services,—by which it is meant—not that they should disappear, but that they should be disabled and that the Viceroy and Governor-General should submit to the National Government, in all matters including military affairs ?

It was easy to visualise, how the Civil Service could not be dismissed or suspended in view of their contractual claims remaining in tact, nor was the nation settling the constitution and because the contractual claims were not being over-ridden, the Civil Service would be the same as in the provinces—and likewise the Viceroy, though perhaps better off than the Governors. He would be dealing with subjects of mutual importance and naturally would try to put ideas into force as he would not be functioning under a law-bound Government. And in doing so, he might say, this is too bad and cannot be done and that would mean resignation by the Executive. Such a situation must be fought out and well could it be, provided there was an arrangement in that behalf. And then, the Viceroy could not interfere but would press his points and will have only the power of dismissal. Supposing the military also passed under the National Government, if the Viceroy felt the military to be right and the member to be wrong he must only dismiss the latter. It is open to the critic, however to ask, whether the same contingency would not arise under responsible government. So would it, but the nation would be then building from below while formerly from above. That is, the latter would not be National Government and that was how the nation would fall into a dangerous trap. Even so far as propaganda was concerned they would be able to put the nation in the wrong. In effect it would amount to this,—that the National Government would be merely expression of the Executive Council, for the Viceroy would be not *at the head*,—but would be *the head* of the Government. But what happens, whenever the Viceroy dismisses ? If it is said that he will have over-riding powers, he need not dismiss at all, for he could simply override and it was not likely that any such arrangement or understanding could be agreed to. To Gandhi, there was the satisfaction that though National Government was not formed it would still leave him the processes of building from the bottom. The National Government was a process of building from the top which was never a part of his plan. Accordingly, it was Gandhi's conviction that while the Congress never refused any opportunity of practising the exercise of power as it arose, the time was not only not come but the time was inopportune for such exercise then.

If, however, the Congress meant this proposition seriously, the Government of the country would witness the transference of power from the British to India,—only with the certain knowledge that Congressmen would work it for all their worth, for war. The Government would then be working not according to party lines but all together—including whomsoever the Congress considered worthwhile. But the Congress must sincerely work for war. It should mean good-bye to non-violence. If the nation could whole-heartedly work for the war effort in the name of the Congress, it would get independence. If the Congress was sincere it need not go to the Government in any weakness. Government were very anxious to get Congress to help them. It was doubtful whether the Congress had the full picture of the Government's anxiety. According to Gandhi's plan, Government would only gain moral support. They won't get a single soldier or a single rupee. But they would get the moral support, which was much more than the physical support. Whenever Gandhi meant moral support, he meant this,—that the country's moral support would work out a change in the nature of Britain. That was his objective. He represented the dumb mind of India. The registered members of the Congress and the dumb masses,—if he went to them, might or might not show the non-violence of the strong in their own lives but he had no doubt they would show the aspiration and he proposed to work that way. " I do not know" said Gandhi, "whether my appeal 'To Every Briton' will not be resented in high quarters but I know that it is not up to now."

It is difficult to describe the measure of tension that must have prevailed at the time of the deliberations that led to the Delhi decision which was ratified at Poona. Khan Abdul Ghaffar Khan immediately resigned from the Working Committee at that very sitting at Delhi. The rest of the details are naturally private. But the importance of the occasion was such that Gandhi felt called upon to disclose them in a statement which was immediately published at the time, in which he advised as a disinterested but staunch friend, that the British Government should not reject the hand of friendship offered by the Congress. The Congress had to choose between his principle of Ahimsa and the resolution as passed. Accordingly, the resolution represented the considered policy of the Congress.

Gandhi's Statement on the subject dated Wardha July 8, 1940, was appropriately headed.

**" Whose is the Blurred Vision ? "**

"I have just seen the news that the Working Committee's fateful resolution has been released to the press. It was passed in my presence, but I wanted to say nothing before it was actually released for publication.

"It will be a profound mistake to suppose that members passed five solid days in wrangling. They had to discharge a heavy responsibility. Though logically the resolution is no departure from the Ramgarh resolution, it is an undoubted departure from its spirit. The letter often remains constant, the spirit changes. Up to now, for one reason or another, Congress policy was : no participation in the war except for the moral influence that the Congress can exercise if the vital demand was satisfied of Britain's own free will. Such was not the position of all members of the Working Committee. Hence, at a critical moment, every member had to make up his or her mind independently of the rest. The five days were days of

tremendous heart-searching. I had produced a draft resolution, which almost all thought was the best, if they could bring to bear on it a living belief in non-violence, through and through or if they could truthfully say that such was the belief of their constituencies. Some had neither, and some had individually the required faith.

"Only Khan Saheb (Khan Abdul Ghaffar Khan) was clear so far as his own faith and that of his beloved Khudai Khidmatgars were concerned. So he had decided, even after the last Wardha resolution, that he had no place in the Congress. He had a special mission and a special duty to his followers. So the Working Committee gladly permitted him to retire from the Congress. By retiring he will serve the Congress all the more, as I hope to do. Who knows that those of us, who retire, may not be able to give our comrades the faith they seem, for the moment, to have lost ?

### Rajaji's Victory

"Rajaji was the framer of the resolution. He was as certain of his position as I was of mine. His persistency, courage and utter humility brought him converts. Sardar Patel was his greatest prize. He would not have even thought of bringing up his resolution, if I had chosen to prevent him. But I give my comrades the same credit for earnestness and self-confidence that I claim for myself. I had long known that we were drifting away from each other in our outlook upon political problems that face us. He will not allow me to say that his was a departure from 'ahimsa'. He claims that his very 'ahimsa' has led him to a point, which culminated in his resolution. He thinks that I suffer from obsession owing to too much brooding on 'ahimsa.' He almost thinks that my vision is blurred. It was no use my returning the compliment, though half joking, I did. I have (no ?) proof, save my faith, to question his counter faith. That is evidently absurd. I could not carry the Committee with me at Wardha, and so I got my absolution. I at once saw as clear as daylight that if my position was not acceptable, Rajaji's was the only real alternative. I, therefore, encouraged him to persist in his effort though all the while, I held him to be hopelessly in the wrong. And by exemplary patience, skill and considerateness towards his opponents, he got a good majority, five remaining neutral. I had a fearful moment.

"Generally such resolutions are not carried by a majority vote. But, at this juncture, unanimity was not to be expected. I advised that Rajaji's resolution should be enforced. And so, at the last moment, the Committee decided that resolution should go forth to the world.

"It was necessary for the public to have this background to the tremendous step the Committee have taken for good or ill. Those Congressmen, who have living faith in the non-violence of the strong will naturally abstain. For the moment, however, what they can do is wholly irrelevant.

"Rajaji's resolution represents the considered policy of the Congresss Non-Congressmen, who were eager for the Congress to be free of my religious bias to adopt a purely political attitude, should welcome the resolution and support it wholeheartedly. So should the Muslim League and even the Princes, who think of India more than their principalities.

"The British Government have to make their choice. Independence they cannot withhold unless their wisdom is as much blurred, as Rajaji claims that mine is. If independence is recognised, the acceptance of the other part of the resolution follows as a matter of course. The question is, do

they want to impress help from India by virtue of their rulership over India ; or will they have the help that a free and independent India can give ? My individual advice has already gone. My help always has been promised. Acceptance of that advice can but enhance their heroism. But if they cannot accept it, I advise, as a disinterested but staunch friend, that the British Government should not reject the hand of friendship offered by the Congress."

Here a momentary digression—but one only seemingly so, may be permitted. The 1st week of July was preceded by certain conversations between the Punjab and Bengal Premiers and the Congress leaders at Delhi. The Maulana himself had met Sir Sikandar. This was resented by Mr. Jinnah who said that the Premiers had no authority or permission to discuss or come to any adjustment over the head of the Working Committee of the League. He had not given any permission either to do so regarding a Hindu-Muslim settlement. In an exchange of telegrams between Sir Sikandar and Mr. Jinnah, the former hoped that there could be no objection to his meeting Savarkar and his conferring with Congress leaders regarding the Punjab situation. Mr. Jinnah replied that he could not agree to Sir Sikandar seeing Mr. Savarkar as an intermediary. Regarding the Punjab situation, Sir Sikandar might see the Congress leaders as the Premier of the Punjab. The Hindu leaders were welcome to see Mr. Jinnah regarding Hindu-Muslim question. The atmosphere that prevailed soon after the Delhi decision and its antecedent events was such as to raise, if not the hope, at least a vision of a possible agreement with the Government of India on the one hand and therefore an equally possible agreement between the Congress and the Muslim League. It was under such circumstances that the Maulana as President of the Congress felt emboldened to address a telegram to Mr. Jinnah requesting Mr. Jinnah to treat it as confidential. Mr. Jinnah gave an immediate reply and released to the press both the telegrams. They are given below:

From Maulana Azad to Mr. Jinnah :—

" I have read your statement of July 9. The Delhi resolution of the Congress definitely means by national government a composite cabinet not limited to any single party. But is it the position of the League that she cannot agree to any provisional arrangement not based on two nations scheme ? If so please clarify by wire."

Maulana Azad further requests Mr. Jinnah to treat it as confidential.
Mr. Jinnah's reply :—

" I have received your telegram. I cannot reciprocate confidence. I refuse to discuss with you by correspondence or otherwise as you have completely forfeited the confidence of Muslim India. Cannot you realise you are made a Muslim show-boy Congress President to give it colour that it is national and deceive foreign countries ? You represent neither Muslims nor Hindus. The Congress is a Hindu body. If you have self-respect resign at once. You have done your worst against the League so far. You know you have hopelessly failed. Give it up."

It was about that time that Subhash Bose was arrested and when the Working Committee at Delhi had not paused to take notice of Subhash Babu's arrest there was a question, naturally why it was passed over. Gandhi himself was questioned about it on his return journey to Wardha from

Delhi. The reply he has given is of more than passing interest and may well be included here. His contention was that Subhash Babu had not defied the law with the permission of the Congress. He had frankly and courageously defied even the Working Committee.

The A.I.C.C. at Poona only confirmed the Working Committe's Delhi resolution of July 7th, 1940 and explained how while the Congress must continue to adhere strictly to the principle of non-violence in the struggle for independence, it was unable in the present circumstances to declare that the principle should be extended to India's National defence. It also desired to affirm that the Congress organisation should continue to be conducted on the principle of non-violence and all Congress Volunteers were bound by their pledge to remain non-violent in the discharge of their duty and no Congress volunteer organisation could be formed or maintained except on that basis. Any of other volunteer organisations for the purpose of self-defence with which Congressmen are associated must likewise adhere to non-violence. In this connection, a suitable statement was issued on the political situation by the Working Committee at Wardha which was widely circulated by the Congress at the Poona sitting of the A.I.C.C.

It was not as if the voyage of Poona made smooth sailing. The resolution itself was passed only by 91 votes in favour and 63 votes against. Amongst the latter were prominent men like Babu Rajendra Prasad, Dr. Profulla Ghosh, Acharya Kripalani, Sri Shankara Rao Deo and Hare Krishna Mehtab. Rajendra Babu spoke against the resolution.

Pandit Jawaharlal Nehru made a statement before the A.I.C.C. from which we take the following :—

"As a member of the Working Committee, I must share responsibility for it. It is known to you that this resolution was not passed light-heartedly.

**Independence of India is the Basis**

" This was not because of the resolution itself or its wording, which was in keeping with the Congress policy as declared from time to time. The independence of India was the foundation of this resolution, and the way suggested for the immediate formation of a provisional national government, as a necessary prelude to the full national government, which the people of India would form after a constituent assembly, was the only immediate feasible method.

" The difficulties in our way lay not in the resolution itself but in the possible implications of it, which might lead us astray. There was that risk and danger, but the situation demanded a lead and a definite course of action for the sands of time were running out for Britain and for India. We took the risk hoping that the strength and good sense of the Congress would prevent any going astray, and the declared policy of the Congress would keep us on the right path.

" Time became an essential factor in the everchanging situation, and it was obvious that the Congress could not stay its hand for long. There had to be a quick decision this way or that. We had waited patiently long enough. There could be no longer a passive acquiescence in matters which were injurious and derogatory to India.

" Three weeks have gone by since then and it would appear that only one course of action is left open to us. Yet it may well be that we should put the seal of this Committee's approval on the Working Committee's decision, and then, soon enough, choose our path.

" Whatever the future may bring us it is my conviction that our full freedom will not come without struggle and travail and sorrow. In this world of war and conflict, we may not escape the price of freedom. To expect otherwise is to delude oneself. That future will ultimately depend on the strength of the Indian people and on the organised power of the Congress. To the increasing of that organised strength, therefore, all our energies must be directed."

No unnecessary secrecy was made about the differences in the Working Committee, and the high pressure at which the resolutions were pressed through the A.I.C.C. Different groups came into prominence, openly at that body. *Unconditional* co-operation was the slogan of the Royist group while conditional co-operation was the call of C.R. Conditional moral co-operation was the view of Jawaharlal. Unconditional moral cooperation was well known to be the recommendation of Gandhi, though he was not present at Poona. But after the Poona session, Gandhi drew a clear line between the advocates of pure non-violence and the rest and it was expected that resignations of Working Committee members would follow. But Rajendra Babu hastened in Lahore to state that there was no such likelihood till further developments took place.

Gandhi wrote :—

> " If the advocates of pure non-violence find themselves in minority in the A. I. C. C. it will be their duty to come out of the Congress and thus serve it better. Conflict is certain if they remain inside. Majority group will have to pass a resolution which advocates pure non-violence otherwise it cannot be accepted. This will lead to differences and conflict which is not in the way of non-violence. Non-violence withdraws and makes way for others. After resigning, the minority group in the Congress should take to constructive programme helping the Congress in matters where they agree with the majority. If the army of truly non-violent persons is thus raised, I am sure, the Working Committee's resolution will be regarded a God's gift."

When the Delhi resolution was confirmed at Poona, there were rumblings all over the country and searchings of hearts. On the one hand, there were a few who thought they had been rid of this intangible, impalpable, religious, mystic virtue of non-violence brought down from its exalted heights of extramundane interest to the grim, matter-of-fact realities of work-a-day politics. But the vast bulk of the population were overpowered with grief. Gandhi, the leader of the nation for 20 long years, who had covered in two decades the progress of two centuries and brought down the puissant British to terms with the Indian Nation, should have been, at a critical moment in national history, dropped like a hot potato and been lost to the nation. Hot indeed he was, for virtue is hot, Dharma is unapproachably hot, non-violence is hot beyond all touch, but it was wrong to think that he was lost to the nation, nor was it the fact that he was played out. He was not played out because that moment was one of those ever recurring moments in the history of all great men and all great movements, which mark the commencement of an epoch. A similar question was asked in 1934, when Gandhi after suspending the Civil Disobedience, mass and individual, ceased formally to be a member of the Congress but in the succeeding years, his leadership was in evidence every day and every minute of the activities of the Congress. In fact, there appears to be a periodicity about the events of human history even as there is about the functions of the human organism.

Who asks at every pause in the cordiac cycle with its systole and diastole, whether cordiac action is played out. Likewise about the peristalsis of the intestines, likewise too about the diurnal activity followed by the nocturnal rest of the buzzing world. Man rests but to wake up. Man is passive only to become active once again. Yes, there is a dull monotony of world's history which appear to repeat itself, but how often do the issues seemingly decided one day not become the burning problems of the morrow! The Councils were boycotted and resorted to and boycotted once again. Civil Disobedience became alternately kinetic and potential. Ministries themselves once run, were later given up. In February 1922, the Bardoli resile gave occasion for such enquiries,—cynical and perverse. How they repeated themselves in *'34* has already been referred to. Gandhi was considered a damp squib in 1924 on his relcase from Yerawada and again after 1934. The lime-light of politics is not for him but when fates project him into the arena, he is there and when he is not wanted he slides back with profound ease from the glare and the dazzle of the lime-light into the umbra and penumbra of national reconstruction or constructive nationalism. Verily "it would seem to be the will of God" as James Russell Lowell puts it, that from time to time the manhood of individuals like that of nations, (reversing the order of Lowell) should be tried by great dangers or great opportunities. If the manhood be there, it makes the great opportunity out of the great danger, if it be not there, the great danger out of the great opportunity.'' Having preached from housetops the right, yea the duty, of a civil rebellion and having recognised equally the right of Government to hang men for it, he once again emerges out of his retirement and leads the nation, to prove that the deprivation of freedom resulting from subjection and slavery is "a moral wrong, a political blunder and a practical misfortune." The fountain spring of authority does not emerge like a force from without but dwells in every citizen as a vital principle. Experience shows that the place of the wise general when not in action should be often....in the rear, or the center than the extreme front. The secret of permanent leadership, it is said, is to know how to be moderate. If Gandhi is extreme, people say he is mad, if he is in the rear, people ask whether he is not played out. Have they ever acknowledged that he is at any time played in or that he has at all played the game?

A passage might well be recalled from an article of Gandhi published on 31st July, 1940 :—

> " If I retired from the Congress at Bombay in 1934, I did so to render greater service. Events have justified the retirement. The present isolation too has the same motive behind it."

Verily "one touch of nature maketh the world kin," and likewise one touch of bureaucracy hath made India kin, all these two centuries. At a time, therefore, when it appeared as though the little crack, in the solid rock of the Congress was threatening to widen into a fissure, a gap, a yawning chasm, came the answer of Mr. Amery in the House of Commons when Mr. Sorenson raised a very relevant question on the situation in India. The non-challance and the self-complacency with which Mr. Amery denied the gravity of the situation in India were combated in a challenging tone by Gandhi who in spite of his isolation from the Congress to use his own words, flattered himself with the belief that the large part of the public still sought his guidance and would continue to do so, as long as he was believed to represent the spirit of Satyagraha more fully than any other person in India.

The British Ministers knew how very grave the British situation had become since Munich and they were so appalled by the gravity that they put off the demanded declaration as long as they could. The Congress, said Gandhi, exercised restraint (which Col. Amery had grievously erred in underrating), in the postponement of Civil Disobedience in order not to embarrass the Government. But for that restraint, a conflagration might burst forth, in his view, whose effect no one could foresee. The Science of Satyagraha was not without a mode of application in spite of the internal weaknesses. Congress restraint had its limits. There was just a suspicion that the British authority was taking advantage of the restraint to crush the Congress. Numerous arrests of Congressmen began to take place as the result of the opposition on the part of so many members of the A.I.C.C. to the ratification of the Delhi Resolution at Poona. 'If that suspicion is proved to be well-grounded,' said Gandhi, 'nothing on earth can possibly deter me from adopting some form of Satyagraha." "But it is my prayer" he added, "and correspondingly it will be my effort, to prevent it until the clouds lift from Great Britain."

Hardly had a week elapsed since this "shaking of the manes" by Gandhi when the Viceroy published his now famous statement of August 8th, sending an advance copy of it on the 4th from Ootacamund to the President of the Congress, and inviting him for an interview about the 20th of that month. The statement was an elaborate one and cannot be published in full. But its contents may be summarised for ready reference. The Viceroy after his interviews with the various political leaders and in consultation with His Majesty's Government was authorised to invite a certain number of representative Indians to join his Executive Council and to establish a War Advisory Council. He made two clear points about minorities and the machinery for building within the British Commonwealth a new constitutional scheme when the time came. Government were in sympathy with the desire of the Indians to make the latter primarily the responsibility of Indians themselves subject to the fulfilment of certain obligations. On the question of the minorities he regretted inability to transfer Government to any system whose authority was directly denied by large and powerful elements who could not be coerced into submission to such a Government.

The Viceroy's Statement came in all too suddenly. Hope intensifies expectation but when the unexpected happens, hope is apt to be easily satisfied. That was how it satisfied the moderates but not the Congress.

To the seasoned Congressman, there was much in the statement that is an avoidable repetition. Whereas the Viceroy's Orient Club speech spoke of Dominion Status within the Westminster Statute, the Viceroy here spoke of "free and equal partnership." If partnership is free there is freedom to break it also and this right of secession is the much prized element of the Westminster Statute. In effect, therefore, the two could be equated to each other, though to the Congressman who demands immediate declaration of Independence, the difference between Tweedledum and Tweedledee was of no practical interest.

When we asked for National Government, we have before us, trolled out once again the same old expansion of the Executive Council. That was not even Dyarchy. The Congress would not look at the proposal. If the National Government was formed at the centre, with the reappearance of Provincial Cabinets, if the Constituent Assembly as such was conceded and the British Government undertook to arrange it forthwith, if the veto of

the minorities and the Princes upon the form of democratic government in India to be, was eliminated,—all before the fall of France, then Congress might have given thought to the proposals, but after the fall of France, after the clear weakening of the Empire idea, after the unequivocal demand for a declaration of complete independence, the Viceroy comes forward with an offer of a kind of Constituent Assembly which was demanded in September '42. When that was demanded, he brushed it aside. Now when the Congress demanded down-right Independance forthwith, the Viceroy spoke of free and equal partnership.

Invitation was sent by the Viceroy to the Maulana to meet him before sending the "very early answer" on the point, if possible not later than the 21st of August as to whether the Congress would feel able to join with him in the Central Government and the War Advisory Council. "I readily conceive" wrote he, "that it might be convenient for you to discuss the matter further with me before you send me a formal reply on behalf of the Indian National Congress" and after giving his tour programme, he added, "I shall be very glad to see you and any friend whom you may care to bring with you at any of these places at any time convenient to you. Should you desire to pursue the matter as I have suggested in conversation, before sending me a more formal reply to this invitation. Perhaps you would be good enough to let me know whether you would see advantage in this and if so what date and time would be convenient to you." The Viceroy was anxious that effect should be given with as little delay as possible to these decisions, and added that he was concerned to announce the personnel of the two bodies by the end of August or the middle of September. The President enquired how far there still remained chance of further discussion when the Government had already thought fitto announce a definite line of action. In reply the Viceroy stated "Policy of His Majesty's Government is set out in my statement. And it is my hope that within its terms, the Congress will feel able to join with me, in the Central Government and the War Council" and he repeats the words in inviting once again, "should you desire to pursue the matter in conversation before sending me a more formal reply to my invitation." The President did not find any meeting ground for the Congress in the terms of the declaration of August 8th, where other questions apart there was not even a suggestion of a National Government and declined the invitation.

Shortly after the Viceroy's statement and the correspondence between him and the President of the Congress, the Secretary of State made his pronouncement in Parliament on the 14th of August, but before adventing to it, it is necessary to make a reference to a speech he had delivered at Blackpool on the 11th August which did not attract at the time the attention it deserved.

The Blackpool speech was soon followed by Mr. Amery's announcement in the Commons on background of political controversy in India and the deadlock, which had led up to the recent statement by the Viceroy.

Naturally a critical occasion arose in the whole history of India during the time of war. Apart from the October speech by the Viceroy, evasive and disingenuous, which inevitably led to the resignations of the ministries and the somewhat conciliatory pronouncement by him at the Orient Club in January 1940, it will be admitted that the Viceroy's pronouncement of August 8th and the Secretary of State's pronouncement in the Commons, constituted together an authoritative verdict on the political situation in

India, the constitutional issue underlying it and the immediate reconstruction of the Central Government, confronting it. For the first time, they made clear the oft repeated charge that they would not part with power till the Greek Kal ends. It is a declaration virtually that the "present autocratic and irresponsible system of Government must continue so long as any group of people or the Princes as distinguished from the people of the States or perhaps even the foreign vested interests raised objections to any constitution by the elected representatives of the people of India. Such an assertion was a direct encouragement and incitement to Civil Disorder and strife and amounts to a fatal blow to all willingness to compromise and adjustment of claims. This in essence was the verdict of the Working Committee when it met at Wardha once again on August 18, 1940. Once again, Gandhi and the members of the Working Committee had to face one another to pass through another of those severe ordeals that had confronted them and from the latest of which Gandhi had absented himself in Poona. But as Poona had been primed up in Delhi a fortnight previously and as Gandhi was present at Delhi to bear the full fruit of the discussions and the differences it could be safely said that there was no break in the continuity of contacts between him and his colleagues.

The position after Poona and the Governmental pronouncement were not so simple as it appeared to be at first sight. There were very delicate and intricate issues that were bound to arise from time to time. It was true that the Indian demand was spurned and those that made the offer and those that objected were alike thrown into the arms of Gandhi. It was natural that he should have been asked to advise on the position. It was equally natural that he should have felt that he could not, for the reason that he could not put himself in the new atmosphere. It was not as if, as some people thought, the negation of the Poona offer, practically mould the bar between himself and his colleagues,—apart of course from the principle itself. Gandhi did not share the view, for he knew that the people would press the Congress to seek power from time to time. There were not a few in the country who felt that the reality of the war could not be ignored and equally that they could not neglect the opportunity of entering the army. Their contention was that the fate of nations being in the balance, they must mobilise manpower and nothing should be done to prevent the production of munitions or the progress of mobilisation. It would thus be seen that if a national army was a necessity, such an army would at once be in the course of formation. All those who accepted the Viceroy's statement would go that way in the interests of their own community. The Executive Council would be responsible to the Viceroy and the members would have to engage themselves in extensive recruitment. The situation was such that if Gandhi were a party to the Poona Resolution, he would feel that he would be himself recruiting. If Poona Resolution held the field, a few thousands going to jail would be useless. Jail going, itself, would be one aspect of violence then. It was no use having C.D. for the people would be shot down ; or if there was mass Civil disobedience, there would be violence in its wake. The Sikhs felt inclined to join the army. Sir Sikandar's plan of co-operation would equally want recruiting and perhaps would want a Mussalman army to be predominent. Thus whatever national or semi-national character might be given to the army, the fact would be that the plans would be upset by Congressmen themselves who would (everybody) have a finger in the pie, feed the flame of communalism and seek each to make his own army 'superior.'

Within no measurable distance could we hope to build up a real national army.

One might ignore the Poona Resolution. But so long as it was retained, the power for holding together the National organisation would be gone. The more Gandhi saw and thought, the more he felt confirmed that the resolution was a profound error committed at Wardha, Delhi and Poona. He had purposely abstained from attending Poona because he did not want to force or overbear the A. I. C. C. While congratulating the Working Committee and the A.I.C.C. on the courage of their convictions, he could not bind himself to the erroneous character of that resolution. That resolution was an error and must be retraced. If Gandhi's scheme was enforced he would no doubt be able to give an occular demonstration. But that was all in the air as yet. He could not then show anything tangible but he knew that the Working Committee had thrown away twenty years' experience in the twinkling of an eye. He was receiving enquiries from earnest friends devoted to the cause of non-violence for advice in relation to their own longstanding programme of service *vis-a-vis* the Poona Resolution. Without suitable changes in the Poona Resolution, he found it difficult to guide the Working Committee, for he found that the non-violence of the Congressmen was not vital. They could not actively organise for violence on the one hand and their non-violence was not infectious on the other. The Congress had to be guided in this critical position and to that end demanded a revision of the whole policy of non-violence. Gandhi had no doubt that according to his lights, he must say they had bid good-bye to non-violence. He was not the man to say 'no' if he could lead the battle to a successful issue. He had admitted always his incapacity to guide the Congress but he would still plunge, though not in the name of the Congress nor on the issue of independence for that meant only internecine war. There was reason to believe that he had given warning to Col. Amery, not to think that he could take advantage of all the indulgence shown by the Congress. Embarrassment or no embarrassment, weakness or no weakness, battle would be given to him. That position itself restored Gandhi's prestige and brought him nearer to independence but not *to* independence. He would take independence when he had settled with communalism but at that moment for the British to raise the issue of communalism was the last stage of degradation. That Col. Amery should have had the hardihood to say the Muslims, the Depressed Classes and others were all minorities was degrading. The Congress could not have without non-violence an agreed constitution. So long as Col. Amery sprang any association on the Congress—and lately he sprang the Princes,—Gandhi owned he must accept defeat but it was too much. There was the amplest ground for him to give battle but that was personal to himself. He didn't hope to carry with him in his argument or campaign, the Working Committee or others. Had he however any plan? No, because he harked back to his helplessness. He could not effectively guide his colleagues. They had asked him to attend the meeting. He attended. He was bound to give battle and he would but not in the name of the Congress, —still as a Congressman, who had served the Congress for twenty years.

The fact was, that the differences between Gandhi and the members of the Working Committee were there from heel to head so to put it. They were not merely concerned with the resolution whatever that be; if they did not offer the battle then they had to face humiliation. Even if Gandhi and the Congress were functioning on different planes, the two battles must be co-ordinated; despite the theoretical differences between Gandhi and the

Working Committee, it was necessary to co-ordinate them both. At that time, the fate of the British Empire was hanging in the balance and it was no wonder that the communities like the Sikhs and others were thinking in terms of armies. That also accounted for the doubt in some eminent men's minds about the British Government accepting the Poona Resolution, for the British had not the intelligence that some people had given them credit for.

In the aggregate everyone felt that Gandhi should be given a free hand and that he might ask the Working Committee to revise its resolution. But it was felt that it should be done through a new Working Committee, as the majority of the Working Committee had too far committed themselves to the Poona Resolution. Outside the Working Committee, it was said the retiring members would retain their positions and give cent per cent loyalty. Gandhi did not agree in this view and felt it a wrong position. Because if they gave cent per cent loyalty, what prevented them from remaining in the Working Committee. It means that they were agreeable to a reversal of a policy. Not to do it would imply a mental reservation and an unconscious dishonesty. If a new Working Committee was formed serious misgivings would arise about the position and conduct of the retiring members for it would be impossible for them to subscribe to all the things that Gandhi would be writing in the name of the Congress. Of course, it was open for them to revolt. They had already done that and they must now either fall in or retire. While the Congress was taking a new phase with non-violence taking the foremost place and Gandhi as its Chief Executive Officer. The new committee must subscribe to a total acceptance of non-violence and to this end, it must not be a heterogeneous body with difference of view on the application of non-violence. But they neither revolted nor fell in with the new arrangement they would be retiring allowing Gandhi to try his policies and principles without obstruction or conflict in spite of any provocation or propaganda of Gandhi. They would keep themselves under restraint without displaying their logic because their aim would be to give Gandhi full chances for his work. But an attitude like that in which prominent members of the retiring Committee would not take charge of their respective provinces but promise merely not to revolt nor to air their views would not serve the purpose of Gandhi. One could not say that they need not deter him at all for Gandhi believed that they did and would. He didn't want to lose C. R. or Jawaharlal but he did not want to have his resolution at Wardha passed although there was a mechanical majority in favour of it. When it was suggested that his leadership should be terminated at Wardha and relieved of his task, it was felt that if he was a General, he must not have agreed to be absolved and he must have insisted upon resignations of those who could not have accepted his faith. But he felt, he had not the strength to ask for it in (June 1940) in Wardha. He had not the strength again in Wardha that day (August 1940) to ask likewise. People might say from the Viceroy downwards "Oh! you are seventy and you speak as though you would live another twenty years." But his reply was, it was not a personal factor, though of course, he felt the force of what others said.

There were several alternatives before the Committee. One view was to suspend the Working Committee and let Gandhi take the whole business in his hands. In the alternative, in place of those members who would retire, new ones having faith would come in. Rajen Babu might be the President. Surely, there were ten members in the Congress who would answer the need. But Gandhi felt that he was like an engineer in charge of a dam, only he was a Satyagrahic engineer and just as all sub-engineers should obey the engineer's

orders in regard to the Krishnasagar dam, even so he must get obedience. It was a different matter if some of these sub-engineers died or did not exist but being there their obedience too must be there. Of course, it was possible for anyone to question the very capacity of the engineer or to point out the want of his all-round perfection but the criterion lay in the acceptance of non-violence. Once that was granted all else would follow. It was, however, the differences upon this fundamental question that had led to the fission and once the vacancies were filled up having regard to this point there should be no difficulty about conflicts. Difficulty was at the very origin of things whether the Working Committee members were equally clear that they accepted or could not accept Gandhi's view of non-violence as the starting point as well as the destination of all political life. People might feel, that the Congress Committee was being converted into a society of saints, compelling obedience under all circumstances and that way while violence chopped off people's heads, non-violence might chop off people's minds. To make a long story short, it was felt that the need of the moment was the solution of a practical question and that was this. Gandhi must be made leader in the coming campaign of non-violence and a new Working Committee must be given to him. The loyalty of the outgoing members was to be the loyalty of the soldier, not of the agent. Neither party need quarrel with the other too much. Gandhi felt that it was not a question of the separation of the sheep from the goats. Gandhi himself might not be able to foretell what kind of Satyagraha might come off. But whatever it that be, he wanted the support of the Maulana, Vallabhbhai, C. R. and Jawaharlal.

There was another difficulty. What should be the issue on which Satyagraha should centre? Gandhi was not willing to make independence the pivot. He would rather desire that things should be left to him and that he would decide whatever he considered fit as the immediate issue. The situation was, however, urgent. It was not a question of this issue or that nor even of Satyagraha or something else but it was a question of human dignity. The country could not tolerate what was happening. Young men who would have been volunteers in the Congress and prime movers were being taken away in hundreds. Already over two thousands were in prison. Labour organisers were taken into custody everywhere. Conferences were being prohibited. Home internment was becoming a common practice while the orders were being scrupulously obeyed, arrests were being made and prisoners were treated as detenus without trial. Persons were directed in the districts (1) to report themselves in the police station on every Monday, (2) not to take part in any subversive movement or indulge in any anti-war propaganda, (3) not to converse, communicate or associate with any school or college students, (4) not to attend meetings of any kind, (5) and to notify in person departure from one place to another to the police at least 24 hours before the time of departure and to report the times as well. Subhash Chandra Bose himself was arrested at his Calcutta residence on Elgin Road under the Defence of India rules on July 2nd, 1940. Thus the situation became difficult to endure and make people feel that that should be the last Working Committee meeting. As a practical proposition, the reconstruction of the Working Committee and the rescinding of the Poona Resolution held the field. Should the five adherents of Gandhi at Poona resign or should the dissentients resign? Neither course appealed to Gandhi and he began to think as follows: He repeatedly reverted to the absolution that was given him, why then should he take the burden of guiding the Working Committee? His capacity was that of an individual. There seemed to be an impression that he had some

strength which he was not willing to use because he was 'displeased and angry.' He felt he had not that strength but they agreed that he should develop it by taking up the Congress and training it only, that appeared to offend the rest or when he wanted certain people to come out and form the Satryagraha wing of the Congress, they were angry. But the issue was, was it a question of forcing a division all at once between those that were with Gandhi and others or should the wings be left to be evolved gradually as the distinction was settled between the one view and the other, unlike in the case of Khaddar, where the differences developed quickly because they were concrete? Between Gandhi and the members of the Working Committee stood the Maulana "a tall, erect and stately figure, with eyes that flashed intelligence and inspired awe," "puzzled and perplexed." This great leader, this eclectic scholar, 'this Muslim theologian of world reputation" felt that this presidential burden was becoming intolerable to him and he wanted to be relieved of it. His feeling was that, at this juncture which was critical and delicate, Gandhi leaving the Congress was not fair, having called him to office. Why should he raise the question of loyalty, he asked? Was there a single person who did not give that wholeheartedly? No one could have any doubts in answering such a question. For Gandhi had the feeling that his separation from Congress was only to do greater service to Congress. He had claimed and got the right to carry on propaganda of his views. What effect it had on his close associates they saw. If that was so, what was the good of his absolution? Things had taken quite a contrary turn and the net result was that it looked as though he must remain absolutely silent. Supposing he went to jail or something happened what would they do? The atmosphere was so bad that one did not trust another. There was a loud cry that people were ready for Civil Disobedience but when he spoke of Hindu-Muslim Unity, removal of Untouchability, abolition of Drink and turning of charka, people would not follow. Without an army how could he proceed? The people about him did not understand non-violence and whatever strength he received, it was from the masses and from their faith in non-violence.

With Gandhi, it was not a question of resolutions and their language or committees and their composition, for he was determined not to leave the Congress or the country alone, but to do whatever he wanted on his own account. He was clear that he would not be able to handle anything in the name of the Congress. He knew that his intimate coadjutors were under the impression that he had done great disservice to the Congress by his writings. He was not happy over the Maulana's reply to the invitation of the Viceroy and thought he should have explored further by seeing him. He was glad that the Maulana would not refuse an invitation, but certainly see the Viceroy on other matters as his refusal on the former occasion was decided by the terms of the invitation. Gandhi further felt that the door must be kept open and room should be left for the standpoint of his colleagues, though from his own, it was to be shut. Accordingly, he would not enter the fight immediately. He had himself written to the English people that they must make peace with Hitler. That was before France fell. He himself would take a step whenever he was so inclined. Otherwise he said he had no advice to tender. He had been evolving in his own mind, the idea of a fast and in solemn tones and to an attentive audience, he announced his determination that he wished to fast (to death), stating that he had made it a science and suggesting that no one should fast and no one should ask to go near him, bemoaning that all that he had said those three days and done those several months had misfired, expressing his own sense of shame and inquiring,

as if in despair, *when* his strength and power of tongue would go, exhorting the Maulana not to get angry, assuring that whatever power and virtue God had given him, he had used, adding that he had told them everything and there was nothing left to tell and finally asking the blessings of one and all. Pin drop silence prevailed for a couple of minutes. The Maulana broke it with the words, "we dare not detain you. If you permit me, I shall see you tomorrow morning," to which Gandhi gave the reply with his wonted *bone homie*, "of course the best thing is to let me go, and for you to take counsel amongst yourselves."

The essence of the reply of the Working Committee, to the Viceregal declaration as well as to the Secretary of State's statement, has already been given. Deep regret was expressed that the British Government had rejected the friendly offer of the Congress, which if accepted would have ended the deadlock and the Congress non-co-operation. They only caused deep pain and indignation to the Working Committee and confirmed its conviction that India could not function within the orbit of an imperial power, and must attain the status of a free and independent nation. They were a direct encouragement and incitement to civil discord and strife. The demand for a Constituent Assembly has been made into an insuperable barrier to India's progress. The Congress had proposed that minority rights should be amply protected by agreement with the elected representatives of the minorities concerned!! The British authority had been continually operating so as to create, maintain and aggravate difference in India's national life!!! There is no willingness on the part of the British Government to part with any power, even for co-operation in war effort. The British Government would gather together and carry on with such dissentient groups and individuals as opposed the views of the majority of the people of India!!! The Working Committee cannot be a party to accepting the proposals contained in the statements.

Instructions were issued to the people and to the members of the Provincial Legislatures to condemn the attitude adopted by the British Government at public meetings and otherwise and to the Congress Organisations, to carry on their activities with full vigour and in particular to explain the Congress position and recent developments to the public. A meeting of the A.I.C.C. was to be convened on the 15th of September in view of the gravity of the situation.

Towards the end of August, Jawaharlal Nehru declared that the Poona Resolution was dead and gone. "The only course left to the nation was to revert to the Ramgarh Resolution along the path of suffering and sacrifice. The Congress must insist, it was universally felt, on the fullest freedom to pursue its policies, when a suicidal war was being waged with the deadliest of weapons, but the fact was that the spirit of Satyagraha forbade the Congress, from embarrassing their opponents. While recognising this aspect of the matter, the Congress could not help feeling that this self-imposed restraint must not be taken to the limit of self-extinction. The Congress, therefore, had no desire at the particular moment to take to non-violent resistance even if it should become necessary. Since the Committee dispersed at Wardha, Gandhi detained a few friends. They succeeded in prevailing upon Gandhi to give up the plan of a fast and all hit on a formula, which was awaiting the approval of the Working Committee and the A.I.C.C. Still it was necessary that they should all have one mind and give one meaning for their draft resolution, if Gandhi was to lead them. But to that end, it was necessary that they must all know Gandhi's mind. He did not visualise any C. D. on the basis of demanding independence. But he could go so far.—

"no one shall render help by yaw of men or money to the British in the war. The bureaucracy has our admiration. They are showing the grit of which they are made." Gandhi had also written, however, recently, saying that there were obvious limitations to the nation's patience. The patience of the nation and its considerateness were being taken advantage of to crush the Congress itself. With him, it was not a question of independence but, in one sense, of Civil Liberty—the liberty of the nation's very existence.

This time Gandhi would not invite himself to jail. He did not wish to go through that joke. The British Government could not accommodate him. He told his friends in Wardha that he had given up the idea of a fast. But it was only for the occasion. His feeling was that if he thought he could not do any thing effective towards C.D., he could not resist a fast. However much he might be thinking, he only saw what C.D. should not be, but not what it should be. It was not as if the plan of Satyagraha had the unanimous support of the Working Committee. If our opponents were wild animals, as was thought to be the case, the offer of Satyagraha at that juncture would be to pit ourselves against them and, it must be admitted that it was so. Only till then, they had been consuming the nation. Now let the nation go voluntarily. The national organisation was being killed and if the nation wanted to save its non-violence at that juncture the nation's non-violence would itself die. There was clearly that danger. No matter, how delicate the situation, how critical the position, when the national organisation was itself being imperilled, by slow death by the arrest of persons like S. K. D. Pallival of U.P. and others, the Congress had no alternative but to try Satyagraha on a rigidly narrow scale. Gandhi wanted light. Every warning was welcome to him. He was straining every nerve to postpone the event. There was a terrible agony in him. He would not be able to justify his existence as Congress leader or Satyagraha leader, unless he chalked out a course. But if anyone said that he had weakened in his grasp of Satyagraha, then he was open to conviction till the last moment. The difficulty was this. True, it was difficult not to be obsessed by the fact of there being the cause for a quarrel. When there was such a cause, there was no wisdom in reflecting on the course of the quarrel. Here came the difference of views. To Gandhi, Satyagraha was an elixir. To a few, at any rate, it might seem as a mistake. Gandhi felt, that if a mistake it was, it was one which he must commit as a general. Call it mistake or call it experiment, the country had to resort to it, not for want of any other remedy, but because, though it might be true that there was no other remedy, the General must make the experiment and therefore adopts this remedy fully believing in it. If the remedy would not have any effect upon the British, then the primary object of the Congress in adopting it to produce an effect on its own people was always there. Truth and non-violence were already becoming bye words of popular joke. It was very humorously being said that the Congress had given up non-violence at Wardha and Truth at Delhi. The former had lost the Congress Mahatmaji, and the latter given the Britisher an excuse to refuse India Swaraj for which she had abandoned Mahatmaji. It looked as if the Congress said that by defence of India, it meant defence of Britain in this war. Such turns and twists of language were not for the populace to understand. They would require a straight game and unequivocal advice. They were to get it in Bombay.

The time came for India to act. She had waited for one year. The A.I.C.C. was to meet on the 15th of September at Bombay and by that time over a year would have elapsed since the outbreak of the war. The Congress

had been caught like a nut in a cracker between its two arms. The younger section had been mistaking its delay for cowardice. The Government had been misinterpreting its considerateness for weakness. But regardless of either, it had carried on in pursuit of its own judgment so as not to embarrass Britain which was in distress. It had not selected the time for a fight. It was Nature's decree then that they should proceed. If people were thinking of having a comfortable time of it when they spoke of safety, the highest comfort would arise from mere inertia, trusting themselves to the goodwill of Britain. Britain, the moment, the war broke out, took a step which no self-respecting 'nation would agree' to. When the British lion roared against the German eagle, India was treated like the tail of the lion which must follow the head. For, while every dominion was consulted, India's belligerency was taken for granted. Would Gandhi lead the movement? Maulana Azad had stated that Mahatmaji was going to Bombay and would lead the movement. He felt the insult to the nation in the treatment accorded to the country more than he had at any other time or for any other act of the British. He was distressed over the whole situation. People asked whether the country was prepared for Satyagraha. In the first place, preparation did not mean men, money or material. Preparation for Satyagraha was largely a question of atmosphere. We must have a general atmosphere of non-violence for mass disobedience. There was not that atmosphere. There was the incentive which made C.D. irresistible. You must devise a formula by which the inevitable happened. Yet the atmosphere should not react against us. It was true that Gandhi said that there was violence in the atmosphere, even as he had said there was corruption in the Congress. You must interpret it as you would interpret the admonition of the head of a joint family to his children about the extravagance in the home expenditure' their indiscipline in mutual relationships, and general organisation. It was not decent for a neighbour to fling these criticisms against the head of the joint family. The admonitions were in the nature of introspection. Gandhi was the founder of the Satyagraha movement. He admonished his followers for their excesses with a view to bring order in the organisation. Where in the world have you come across the head of a public organisation saying publicly that there is corruption in his organisation? If Gandhi said these things, it was with a view to bettering the internal condition of the country and organise it better for the great struggle which must sooner or later take place.

"While this is so, the fact remains that relations between this country and England had reached a stage when apart from the conditions of the country a struggle was made inevitable. These might be conflicting positions. Conflicts had to be reconciled. For the world was full of compromises, and it could not conduct its affairs merely on the basis of law or logic.

The A.I.C.C. which met in Bombay on Sept. 15 and 16, 1940 reviewed the situation as it developed during previous two months and declared that the Delhi Resolution confirmed by the A.I.C.C. at Poona no longer applied. It had lapsed. It stated that the self-imposed restraint of the Congress could not be taken to the extent of self-extinction and added that the Congress must insist on the fullest freedom to pursue its policy based on non-violence. The Congress had, however, no desire at that moment to extend non-violent resistance, (should it become necessary) beyond what was required for the preservation of the liberties of the people.

A new chapter was opening at Bombay in the middle of September. A year and a fortnight had passed since the outbreak of the war. Every

effort had been made to avoid conflict with Britain during her distress. Even Gandhi's leadership was foregone. The vow was broken at Poona, but the fruit was not forthcoming. It only ramained for the prodigal son to return to the father after wasting his talents,—empty handed, repentant, trustful and importunate. Nor was there need for much of importunity. For filial duty might fail, but paternal affection remained intact. The warning of the patriarch might seem hyper-ethical to a progeny, steeped in mundane ideas, but the passing folly is soon forgiven. The returning wisdom of the straying fold back to the shepherd made things easy. The tension in Bombay would have been great had it not been widely bruited abroad that Gandhi was resuming his old generalship and that battle would be given to the British. Only the nation would have to give implicit obedience. Non-violence was again to be re-installed on the throne of power, as the arbiter of national and international disputes. Despite all these reassurances the atmosphere was tense but tense not with fear or trepidation but with a certain expectation and a certain hope unfolding themselves before the national vision.

Before commencing the proceedings at the A.I.C.C., the President made a statement reviewing the course of events, since its Poona session. (See Bulletin 5 October 24, 1940—pp. 1 to 22.)

The Working Committee passed two important resolutions, one relating to the suspension of Civil Disobedience, and the other relating to Kerala affairs. They wanted to ensure a perfect peace and tranquillity and an atmosphere of non-violence throughout the country before it inaugurated Satyagraha. But the events of Kerala on the 15th September in which a Sub-Inspector of Police had been stoned to death were highly disturbing and it was thought necessary to send a committee to enquire in the complaints of indiscipline brought against the K. P. C. C. and the disturbances that took place at the meetings on the 15th instant. The Working Committee further "called upon all the Congress organisations to stop all Civil Disobedience, individual or other, pending definite instructions from Gandhi who regarded the suspension as indispensable to the success of his forthcoming interview with the Viceroy, as a test of the discipline of the registered and unregistered Congressmen and all Congressminded men and women and also as a short course of obedience to law before recourse to Civil Disobedience (should it become necessary)."

Within less than a fortnight of the Bombay, meeting on the 26th September, Mr. Amery spoke once again, this time at the Overseas League. In high flown language he traced the Indian ideals of Freedom and said:—"Whatever the domestic political difficulties that confront us in this period of transition in India, it is a bond of union between Indians and ourselves, and for us a source of legitimate pride, that the ideals of Freedom which animate them has had their fountain head here. But he reverted to the burden of his song and emphasized the vehement disagreement among Indians themselves. " The Congress party," he said, "objects on grounds of Parliamentary democracy to the influence which the Act concedes to autocratically governed States. The States on their side have shrunk from the extent of interference in their affairs conceded to the elected majority in the Central Legislature. The Great Muslim community refuses to entrust its fate to the control of a permanent Hindu Majority....." Mr. Amery also drew the conclusion that it was " the prospect of constitutional progress that had intensified differences which were dormant under autocratic control."

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## CHAPTER X

### Satyagraha October, 1940

Once again the whirlgig of time brought to an admiring world the happy event of another birthday, the 72 of the series of Gandhi when the world was engaged in its holocaust, alone amongst the civilized humanity stands India with its age-long lesson of peace and goodwill on earth. But how can we ensure the play of these emotions, if we allow a competitive civilization to make its onslaughts on society? The joint family of the home, the Varnashrama Dharma of the individual and society, the daily prayer of the people for the well-being of the world—all point to the one lesson of nations being self-sufficient, self-contained and self-reliant. Such a divine consummation is possible only when each basal unit is likewise self-contained. It means in other words that our villages should feed and clothe themselves, that towns should cease to be parasitic while the whole country must shed greed and covetousness. Khadi, therefore, forms the basis of the new order and Khaddar is not a new thing, for it has been there from time immemorial up to 1803. The East India Company made its money for two centuries by selling Khaddar and later by killing it. Let us revive it by a subvention that each customer pays by way of extra price because the Government would not pay the cumulative amount in the form of a State aid. The 71st birthday day celebrated the previous year saw the great saint, statesman, philosopher putting forth his best efforts to stem the tide of battle between India and Britain. And he had even extended the range of his hopes and the domain of his efforts beyond Britain for he wrote his famous letter to Hitler as soon as the War had broken out. After strenuous efforts over a year in which he had written his famous letter "To Every Briton" and for which he got a curt reply from the British Premier. The letter is published below.

### "TO EVERY BRITON"

In 1896, I addressed an appeal to every Briton in South Africa on behalf of my countrymen who had gone there as labourers or traders and their assistants. It had its effect. However important it was from my viewpoint, the cause which I pleaded then was insignificant compared with the cause which prompts this appeal. I appeal to every Briton, wherever he may be now, to accept the method of non-violence instead of that of war for the adjustment of relations between nations and other matters. Your statesmen have declared that this is a war on behalf of democracy. There are many other reasons given in justification. You know them all by heart. I suggest that at the end of the war, whichever way it ends, there will be no democracy left to represent democracy. This war has descended upon mankind as a curse and a warning. It is a curse inasmuch as it is brutalising man on a scale hitherto unknown. All distinctions between combatants and non-combatants have been abolished. No one and nothing is to be spared. Lying has been reduced to an art. Britain was to defend small nationalities. One by one they have vanished, at least for the time being. It is also a warning. It is a warning that, if nobody reads the writing on the wall, man will be reduced to the state of the beast, whom he is shaming by his manners. I read the writing when the hostilities broke out. But I had not the courage to say the word. God has given me the courage to say it before it is too late.

"I appeal for cessation of hostilities, not because you are too exhausted to fight, but because war is bad in essence. You want to kill Nazism. You will never kill it by its indifferent adoption. Your soldiers are doing the same work of destruction as the Germans. The only difference is that perhaps yours are not as thorough as the Germans. If that be so, yours will soon acquire the same thoroughness as theirs, if not much greater. On no other condition can you win the war. In other words, you will have to be more ruthless than the Nazis. No cause, however just, can warrant the indiscriminate slaughter that is going on minute by minute. I suggest that a cause that demands the inhumanities that are being perpetrated today cannot be called just.

"I do not want Britain to be defeated, nor do I want her to be victorious in a trial of brute strength, whether expressed through the muscle or the brain. Your muscular bravery is an established fact. Need you demonstrate that your brain is also as unrivalled in destructive power as your muscle? I hope you do not wish to enter into such an undignified competition with the Nazis. I venture to present you with a nobler and a braver way, worthy of the bravest soldiers. I want you to fight Nazism without arms, or, if I am to retain the military terminology, with non-violent arms. I would like you to lay down the arms you have as being useless for saving you or humanity. You will invite Herr Hitler and Signor Mussolini to take what they want of the countries you call your possessions. Let them take possession of your beautiful buildings. You will give all these, but neither your souls, nor your minds. If these gentlemen choose to occupy your homes, you will allow yourself, man, woman and child, to be slaughtered, but you will refuse to owe allegiance to them.

"This process or method, which I have called non-violent non-co-operation, is not without considerable success in its use in India. Your representatives in India may deny my claim. If they do, I shall feel sorry for them. They may tell you that our non-co-operation was not wholly non-violent, that it was born of hatred. If they give that testimony, I won't deny it. Had it been wholly non-violent, if all the non-co-operations had been filled with goodwill towards you, I make bold to say that you who are India's masters would have become her pupils and, with much greater skill than we have, perfected this matchless weapon and met the German and Italian friends' menace with it. Indeed the history of Europe during the past few months would then have been spared seas of innocent blood, the rape of so many small nations, and the orgy of hatred.

"This is no appeal made by a man who does not know his business. I have been practising with scientific precision non-violence and its possibilities for an unbroken period of over fifty years. I have applied it in every walk of life, domestic, institutional, economic and political. I know of no single case in which it has failed. Where it has seemed sometimes to have failed, I have ascribed it to my imperfections. I claimed no perfection for myself. But I do claim to be a passionate seeker after Truth, which is but another name for God. In the course of that search the discovery of non-violence came to me. It spread in my life mission. I have no interest in living except for the prosecution of that mission.

"I claim to have been a lifelong and wholly disinterested friend of the British people. At one time I used to be also a lover of your empire. I thought that it was doing good to India. When I saw that in the nature of things it could do no good, I used, and am still using, the non-violent method to fight Imperialism. Whatever the ultimate fate of my country,

my love for you remains, and will remain, undiminished. My non-violence demands universal love, and you are not a small part of it. It is that love which has prompted my appeal to you.

"May God give power to every word of mine. In His name I began to write this, and in His name I close it. May your statesmen have the wisdom and courage to respond to my appeal. I am telling His Excellency the Viceroy that my services are at the disposal of His Majesty's Government, should they consider them of any practical use in advancing the object of my appeal."

He found the demon of war spreading his tentacles far and wide over Europe, which instead of softening the heart of Britain towards India, hardened it ever more, tanned it and stiffened it and made it callous beyond comprehension.

Gandhi's gospel nevertheless held the field, his teaching of over 55 years of public life had been recalled during the birthday week. The steps and stages by which India had worked up to its third campaign of Satyagraha were once again placed before the public and these may well be passed in panorama before the readers on the eve of describing the events of the 3rd Great Campaign.

Hostilities broke out on the 17th of October, when Vinobha Bhave offered Satyagraha as the first Satyagrahi, by repeating the pledge which ran as follows: "It is wrong to help this British war effort with men or money. The only remedy to war is to resist all wars by non-violent resistance."

It was well known that the second was to be Jawaharlal Nehru. There was a certain amount of doubt as to whether the first to offer Satyagraha should not have been the President of the Congress himself or any one of his worthy colleagues but Gandhi made no secret of his firm conviction that no one of these came up to his standard (Vinoba's) of a Satyagrahi. He possessed in a rare measure the art of pleasant speaking. Particularly when the things to be spoken were unpleasant. Jawaharlal was to offer Satyagraha on the 7th November. He was sent for by Gandhi. On his return home, he was arrested on the 29th October at Cheoki Railway Station near Allahabad.

The selection of one individual to start the campaign for achieving freedom of speech at the end of which certainly lay independence appeared to some minds highly intellectual, highly patriotic, highly courageous and highly self-sacrificing as almost bordering on a joke. In the first place, the limited object appeared to be inscrutable and then the limited character of Satyagraha covering only individual civil disobedience and finally the limited start with one whose antecedents were not known to certain members of the Working Committee. If he was not known even in that limited circle of eminent men, it was because, Vinoba would not seek publicity because the lamp light of the Constructive Programme would not caste the same lengthening shadows as the lime light of politics. But to Gandhi, he was dear, respected and idealistic,—a dear friend, a respected fellow worker, and an ideal Satyagrahi.

"He is next to me, the best exponent and embodiment of non-violence. I use the word almost because he has taken the cult of non-violence from me. He has buried himself in a particular locality in the Constructive Programme. He has greater power of concentration than myself. His antipathy of war is born of pure non-violence." Then Gandhi was to take Jawaharlal. He sought the approval of the Working Committee for his programme. He had, no doubt, been given the power but to use it he thought he must have their support behind him. He was anxious also that they should understand

the whole position. Those who stayed behind should not go to jail deliberately or through carelessness. The former would be criminal, the latter excusable but wrong. This imposed a mighty restraint on the part of the country which must immerse itself in the Constructive Programme (C.P.). For the C.P. was much more than Civil Disobedience (C.D.). In C.D. one might make a mistake, not so in C.P. The C.P. would create an electric atmosphere. If all went to jail they would lose the Constructive Programme and couldn't do anything in jail. He was clear in his mind that no Congressman should go to any place and ask people not to pay or participate in war effort for a great danger would arise out of it. What would happen after the arrest of Vinoba? Of course Gandhi would give permission to Jawaharlal but could not batches of people be taken? The difficulty, however, was how was Gandhi to know who was true and who was not true amongst those who had signed the pledge? So, he began with one and made it two and it rested with him what later he should do. If there should be anarchy in the meantime, he would be preparing his materials for meeting it. Like Columbus sailing with four, two of whom were taking the soundings, he would be sounding the depths of feelings in the country. After sending Vinoba and Jawaharlal, it would be for him to face, the question whether he should use the reserve. There was a feeling on the one hand, that a beginning with one should not be made light of. Did not Dandi March begin thuswise? An humble beginning would have great potentialities. But such a view would not appeal to all. If one person should go, would not the thing look artificial? If that one was a part of a series, people could understand. Every body wanted to preach even resistance. If they spoke and were not arrested, the process would be of the pacifist brand. They would speak with temperateness and gentlemanliness, but whence would the electric atmosphere emanate? Would not the immediate effect be to end this struggle which Gandhi wanted to begin? Again to say that no Congressman should speak on the war, would not that be opposed to the instructions of the A.I.C.C. and the W.C. that the country should carry on propaganda? They were in the month of October, its middle, the next two weeks would be intensive propaganda for enrolling Congress membership,—propaganda in every village to visualise the people. To stop all this and say that Vinoba would begin at Wardha did not appeal to all.

The atmosphere would certainly not be electrified that way. No one knew Vinoba. Should they not at least interpret what Vinoba was doing? One man could not electrify with 999 keeping quiet. Gandhi thought otherwise, it was a pretence to say that the whole of India was with them then. The Congress would only be able to indicate its position to the world and furnish a proof to it that it would not die in ignominy. This was a preparation for a deadly war and he was not prepared to allow every signatory to the pledge to go to jail. The thought of Vinoba came to him after he returned from Simla. Gandhi's approach to the problem was unique. There could be more than one approach to the problem and fundamentally people in close proximity had different approaches. It might be surprising for one school of thinkers to hear that no political results were intended. The freedom of Hindustan, they said, not civil liberty, should be the objective. To shift the emphasis suddenly from one to the other was not only a mistake but was dangerous as well. They were not of the view that they had decided not to take power, whenever there is the sight of power they should jump to grasp it. To place a limited demand before the world is wrong. To stop all meetings would be to break the back of people and create an atmosphere

of depression. Under no circumstance should a widespread approach to masses be given up. To avoid reference to war would be artificial. Everyone was keen and curious to know what was coming. The first step should doubtless be a cautious one, at the same time, big. The psychological part of the mass preparation was most essential. It was necessary so to act that it must be believed that the Congress was serious. Evil minded people should be made aware of this earnest aspect, of this dynamic nature of the movement. The first step must not be so fine and so slender that people may not see it. The first person must be a well known Congressman. Gandhi was at the other end. If people didn't understand one man starting, he could not think of any other method. He had no fear that people would not understand this method. But his hand would relax and weaken when any of his co-workers doubted the wisdom of the procedure. He had repeatedly said that his mind and vision were not on a mass civil disobedience. The country was not prepared for it then. The materials required were not at hand. No one had prepared the people for it. It was all easy to talk of independence. Really in a sense it *was* before them. If they could not take it, it was their own fault. The English could not give it to them. *Independence*, so long as it was an empty word,—they could talk about it; when, however, it led to a determined conduct of struggle, it was stopped even at the point of talking. When, therefore, they recovered the freedom of speech they got the real independence of action. The President had his own doubts whether he could continue in office and discharge his duties, while such a limited movement was going on. Butthey were momentary.

Sri Vinoba commenced his Satyagraha on the morning of the 17th October by delivering an anti-war speech in the village of Paunar, where he resides,—five miles from Wardha. Neither was the meeting prohibited nor was he arrested. Instead, the press throughout India was warned against giving publicity to his speeches or announcing his activities and programme. He moved from village to village on foot addressing meetings. He was arrested on the 21st of October and given a light sentence of three months. His speeches as the 1st delivered in the 3rd great campaign of Satyagraha carried with them a certain historic significance and value but limitations of space forbid their reproduction here.

The second conviction was that of Jawaharlal. It was not, however, a conviction for Satyagraha, it was for a huge public meeting addressed by him. If the 1st conviction was notable for its lightness, the second was notorious for its severity. But the Satyagrahis in India have never taken note of the length of their imprisonments. They have all along gone to Jail cheerfully and remained in imprisonment, spinning, reading and writing, falling ill and recovering, dying on release or in prisons.

Jawaharlal had just completed a tour in the U.P. to have first hand knowledge of the preparedness of the various districts *in U.P.* for the coming campaign of Satyagraha. Of course, he delivered a number of speeches explaining all things to all men in the existing situation. He was invited to Wardha and on his return he was arrested on 31st of October 1940.

The Magistrate who tried him sentenced him to 4 years.

The moment that Satyagraha began in right earnest, the *Statesman*, edited by Mr. Arthur Moore, who claimed to be a friend and admirer of Gandhi, opened a column headed Crank's Corner for incorporating Satyagraha news therein.

On November 17th Sardar Patel was taken into custody. He was not tried on any particular charge but was arrested and detained indefinitely.

There was a rush of people offering Satyagraha in the different parts of the country. Gandhi issued a statement in which he once again warned the country that "extra precautions must be taken to prevent demonstrations following the arrest of leaders." In the following week, a number of important leaders were arrested in different provinces. All spectacular demonstrations were strictly avoided and when Sri B. G. Kher, ex-Premier of Bombay was arrested, the Bombay Governor issued instructions that "every courtesy should be shown to Mr. Kher." Mr. Amery, however, was lacking both in courtesy and sense of humour and in answer to a question concerning the arrests of former ministers, he said :

> " Congressmen in prison will have plenty of opportunities for correspondence and study. At the end of the war, they could bring foward a constructively thought out plan, upon which Indian public opinion could work and which could then be converted into actuality with the minimum delay."

By the end of November, most of the ministers and parliamentary secretaries and many members of the A.I.C.C. found their way to jail. There was perfect peace and order, except for one or two incidents, which marred the good name of the movement towards the end of November 1940. When the premier of Bihar was arrested, a crowd gathered and made demonstrations, which led to a lathi charge by the police in Patna. In Lahore likewise there was a lathi charge by the police following the arrest of Mian Iftikaruddin, the President of the Punjab P. C. C. when, while he was being taken to the police station, an unknown person in the crowd was reported to have thrown a brick bat at the police. Gandhi therefore took precautions by sending instructions to P. C. C.S. that notice of Satyagraha be given only to local authorities and that public notification was not necessary.

The new year saw the President arrested and also witnessed the decision of the Jamiat-ul-Ulema to join the Satyagraha movement. In the N. W. F. Province the Premier who offered Satyagraha was arrested and released. Dr. Khan Saheb repeated his activities but was not arrested again. In C.P. the Government ceased to arrest women Satyagrahis.

In the month of November 1940, the Congress members of the Central Legislature, who were asked by the Working Committee in August 1939 not to attend its meetings, except to retain their places technically were permitted to attend the special session in that month in order to throw out the finance bill relating to the war and demonstrate to the wide world that India was not with the Government in war effort. Mr. Bhulabhai, the leader of the opposition, referred in the course of his speech to the demand for a National Government and said "what is demanded is a very simple, easily flexible, workable arrangement. We wanted no revolutionary change during the course of the war. What the result is, is known to every body. And now apart from the Congress, apart from those who have spoken, every single individual representing public opinion has realised that what Britain wants is that we should lend our name, that we should lend our moral support, we should place all our material resources and that we should be their instruments in carrying on this war and popularising them. In other words, we should work for our masters. That demand, I am quite certain, will not be met and cannot be met".

Simultaneously with the opening of the campaign the object of which was to establish the right of speech, the right of free expression of opinion in writing was also taken away by a special ordinance which was promulgated in October 1940 and Gandhi gave up the publication of his three weeklies from

November onwards. The details relating to this are dealt with at length in the chapter dealing with the press.

"By December, '40 a new crisis was already brewing" says "*working journalist*" in the special annual number (1941) of the *Hindustan Times* of Delhi page 91. "It is now known though at the time a lot of mystery shrouded it, that Mahatma Gandhi addressed an open letter to Hitler during last Christmas which while offering unpalatable advice to the Nazi Dictator, contained some candid expression of opinion about British rule in India. The Government would not allow its being transmitted abroad or published in the country. The fact soon became known and appeared in several papers. (2) Soon after came a statement by Gandhiji on the payment of fines by Satyagrahis which the press was advised it should not publish, as it transgressed the provisions of the Defence of India Rules. (3) A third statement by Gandhiji on the arrest of the Congress President and the future of Satyagraha movement was similarly sought to be suppressed."

* * * *

"While the 'ban' on the two statements referred to was clearly unreasonable, it is known now that Gandhiji himself withdrew, at least for the time being, the Hitler letter in deference to the very strong view held by the Government in the matter."

The position as it emerged full 12 months and over after the commencement of the war, was not only no better but was getting steadily worse. All the same, Gandhi in a statement issued in October said :

> "Nevertheless I will not accept defeat, I must strive to have the truth admitted by the British people that the bar to India's freedom lies not in the Congress's or any other parties' inability to produce an agreement which is in its nature impossible, but that it undoubtedly lies in the British disinclination in doing the obviously right thing. My purpose was to have no ground for misunderstanding and to fight, if there were to be a fight, only on well defined issues and without bitterness. I want to enter the fight with the hope that its very fairness will compel the recognition that India deserves better treatment not merely from the British but from all nations of the earth * * * * The immediate issue is the right of existence, *i.e.*, the right of self-expression which broadly put, means free speech. This Congress wants freedom not merely for itself but for all, the only retsraint being observance of non-violence. I hold that the condition answers all the difficulties by whomsoever raised."

In his January 1941, speech when the Viceroy made a declaration that the British Government's objective was Dominion Status of the Westminster type and gave the assurance that their concern was to reduce to the minimum, the interval between the existing constitution and Dominion Status, he also made a reference to the resignation of Congress Ministries and to his hope that the ministers would come back to their places very soon.

Strikes :

Gandhi has opined that disciplinary action would be taken against Congressmen who in their individual capacity organise a strike movement and use coercion or violence in furtherance of the movement. He also authorized nationalist minded businessmen to seek the aid of Congress Committees instead of inviting the Police.

Jawaharlal's conviction and sentence for 4 years R. I. was made the subject of an interpellation in the House of Commons, where on November 7th, Mr. Amery made light of his sentence when he stated, "obviously it is not a question of altering a whole constitutional problem, because a particular individual has been tried by the courts."

A fortnight later Mr. Amery made some surprising remarks about the sentence passed on Jawaharlal Nehru. "In any case," he said, "Pandit Nehru's sentence was a matter not for the executive but for law. If the sentence is judged by him to be excessive he has the right of appeal. In any case, he has been in prison under the 'A' category, under which he is allowed books, his own quarters, company of others, frequent letters, personal interviews and a great many compensations which deprive him of little except liberty to go about repeating the speeches he has recently made."

Mr. Amery showed the same callousness. A month later on August 1st 1941, when in reply to a demand for amnesty, he stated "let those who insist on going to prison have their will." Things promised to move fairly briskly in India. It was not as if Gandhi's offer of one Satyagrahi could be regarded as the whim of a saint ill-acquainted with the intricacies of politics or the mighty power of puissant state like Britain.

When in the 1st week of November the Working Committee met once again, once again was the question of fast raised. Why was that so? This time it was not merely fast by itself, but fast as an alternative to Mass Civil Disobedience. Gandhi felt that he had these two alternatives before him. He apprehended that with the I.C.D., M.C.D. would follow and with M.C.D. he apprehended violence. So the fast was calling him. But surely, Gandhi who had controlled two movements previously, one Individual and the other Mass, in relation to violence, could control and stop the I.C.D. whenever there was suspicion of violence. People understood that he was their leader and that Non Violence must hold the field. The Socialists also would be under his control, for that was well known. Any odd instances would be within the range of his forgiveness. "When Nadir Shah was at Chandni Chowk and a whole loot was going on at Delhi, lo and behold, he raised his hand and every body stopped, one soldier with his upraised sword on the neck of his victim dropped it. Your word will be obeyed."

There were no two opinions on the issue, whether they would obey his orders or not. They might have been pained by what Gandhi wrote, but they knew what he wrote was correct. The people shed tears that they were not able to convince him, but shedding tears they accepted his discipline. Without his leadership they were certain they could not proceed. And convinced or otherwise, they obeyed his orders. Gandhi's opinion, however, was that once M.C.D. was begun, it could not be stopped. It must not be forgotten that when Chauri Chaura had occurred, M.C.D. was not begun, was not even definitely contemplated. Once M.C.D. was declared they could not stop it and by stopping it the people would be crushed. The technique of M.C.D. was such, that once they started it, it was dangerous to stop it. He felt there was no atmosphere for it. Had he not said so in loud tones repeatedly? Or if they began, they must tolerate violence. An alternative proposal was to send people from the register one by one, so that thirty to forty thousand men could be sent to jail. This was no small matter, for if done according to discipline, and on a big scale, the lamp of nationalism burns bright and clear and courage and confidence would grow.

Gandhi did not share this view, however. He felt as if he was even lost between M. C.D. and I.C.D. The former was out of the question. The latter might require secret action which he could not tolerate. One was dangerous the other was detestable. If he could not take up C.D. except to spoil it, he must run away to a jungle, and this would never occur to his mind. The fast was the only thing before him. People asked what the results would be. If he lived, they would not be paralysed. He did not want to die. He might give up the fast and live, or if he died, his work would be completed and the country would become free. At any rate, they would cease to think that without him, they could not do aught. The stagnation would stop. For these reasons, he considered his point of view excellent and compatible with human dignity. The day would come when people should be prepared to prefer death to bending their heads before anybody. There were enemies all round, waiting to fall upon India and the duty lay upon the Congress to prepare lakhs of people to resist it. Whatever standpoint he might view things from, he thought, the fact appeared inevitable. Whenever he felt through his inner voice that he could not stand it, he would stop it. *It might be criticised that in order to avoid hanging by the English he was committing suicide.* He felt that he had no alternative to the fast. But would not the fast itself lead to violence? It might. At that rate for fear of violence nothing could be done. The chances of violence were, however, much less than in the case of M.C.D. That was his argument for the fast. After prolonged deliberation Gandhi veered round to I.C.D. provided it was conducted methodically, the qualifications were fixed, the movement itself was limited in character. All responsible Congressmen, he thought, must go. Members of the W.C., of the Legislatures, of the A.I.C.C. provided they believed in the Congress programme, and at the end, of the Local Boards in their respective provinces and places. He had originally wanted to confine I.C.D. to two, but the Viceroy's procedure had made it impossible to confine it so. He had to extend the range of I.C.D. Each Satyagrahi after he was approved would intimate to the collector, beforehand of his intention. He himself would not fix the dates for the individual, except the order of the groups. They themselves would arrange the order in the provinces. But he was sure that this movement must be prevented from spreading to the people. It must not become an ineffectual mass movement. It must strictly be an I.C.D. movement. If any other group wanted to go they might go on their own responsibility. There were many who were ready to go. But their faith in the Constructive Programme was not there or was not adequate. Gandhi did not want to take the responsibility of sending to jail those that did not have faith in his programme. He did not want to send a single man against his wishes, nor to allow anyone that came without qualifications. In other words, persons otherwise qualified were not debarred from going because they were not members of the Executive, P.C.C. or A.I.C.C. Gandhi was reminded by his friends of what he used to say in the earlier days of non-co-operation *viz.*, that he did not want numbers. Therefore, he wanted the leading men to make the selection carefully without yielding to anger or threat from those who are not selected ; even the threat of violence must not make them yield. Some feared that at this time, they might crush the Congress. That was impossible. *They might crush Germany,—not the Congress.* No nation could be permanently repressed or crushed—not even Germany. They need not consider the question of disqualification to entering Legislatures after imprisonment. That was not the time for them to raise Parliamentary con-

siderations, not that he did not value Parliamentary activity but the less hold Parliamentary mentality had on them, the better. Mere Disqualification of candidates would not reduce Congress influence in the country. That was no reason why Congressmen should not exchange their seats in the Legislature for better seats in the prisons. They need not visualise the contingency of Gandhi's arrest. Government won't be perturbed even if he fasted. They would even create an atmosphere in their favour and when life was flickering they would discharge him to die outside. So long as Gandhi was fated to live he would guide the movement. If he was bound. the country would throw up new leadership. When Congressmen were imprisoned, a successor need not be appointed in every case. Instructions would be issued in regard to Heads in Districts. If a meeting was prohibited, the meeting should not take place. If an individual was prohibited, it should be otherwise. Personal orders had to be defied but orders regarding meeting should be respected and in the former case people had to proceed like Brahma Dutt, a young man of the Ashram who was permitted to offer Satyagraha by Gandhi during the sittings of the W.C., who after giving due notice raised the slogan and moved about the streets of Wardha repeating it, gathering a following as he went along, which gained in volume and vociferousness and constituted his regular audience, as he went on speaking too. He walked up six miles straightway, on his way to Delhi on foot, and the police being hard put to it to follow, requisitioned a car and he was arrested the next day and convicted. He was the second Satyagrahi. To continue the details of the I. C. D. Select methods had to be abandoned, no type or cyclostyle machines were to be used unless they were to be surrendered on demand. They must be used and kept openly and when taken away, should not be replaced. Further instructions were issued as the movement progressed.

The processes of administration and investigation incidental to the inauguration of the movement were gone through in each province with clocklike regularity, and the movement began to take shape, as member after member of the Working Committee and of the Legislatures and A.I.C.C offered himself for arrest. In some provinces, Government chose to detain certain members without waiting for them to offer Satyagraha. Vallabhbhai and Bhulabhai, Sarojani and the ex-Ministers of Bombay, the Speaker and President of the Legislative Council were all detained. In Madras, the Ministers offered Satyagraha and were convicted. Only the Speaker, the Chief Parliamentary Secretary and four or five others were detained. In U.P. and C.P. and Bihar, some of the ministers were likewise detained. In Orissa and Assam, they were sentenced, in the North West Frontier, neither the ministers nor any others were arrested. Rajendra Babu was ill and was not allowed to go to jail. Sarojini fell ill in the jail and was released shortly after the arrest. Kripalani was doing the Secretarial work and helping Gandhi throughout, moving about the country and bearing the brunt of the movement leaving his wife Sucheta Devi to court imprisonment. Jamnalalji was after serious illness released on medical grounds, some time in the summer of '41. The President himself was suddenly arrested and convicted. The rest of the movement went on methodically and the fight progressed according to plan. Gandhi remained free.

Hardly had the movement begun when Mr. Amery once again appeared on his platform, this time as the guest at the luncheon of the English speaking Union on November 21. He made a daring pronouncement, altogether original. The problem of finding an Indian constitution which could reconcile Indian differences and preserve India united in essentials was the theme

of his talk. He put down the deadlock in India to the instinctive development along lines which "our peculiar history and local conditions have made successful in this country and the Dominions, in the wholly different and far more complex conditions of India." He asked innocently "what is wrong with the Act of 1935?"

The year 1940 was about to close. Sixteen months of war had made havoc of Europe. India still remained afar from its horrors. Yet a subject nation, enjoying neither freedom of voice nor of conduct, was forced into the war and the recruitment of men, the collections of money, the production of munitions were going on apace. The Congress and public men loudly protested that the collections were forced, not voluntary, that the recruitment was unfair and mercenary and that the production of munitions was itself vitiated by the fact that the *Eastern Production Council's* transactions in secret left a deep suspicion on the minds of commercial magnates and organisation whether all this pompous show of a Council was not really meant to prevent in India the production of articles produced by Australia and other dominions. The Congress itself having let go a year and more without an aggressive programme of fight with the British on its own plane of non-violence and on its own line of Satyagraha, found itself at war with Britain from 17th of October 1940 and was making steady progress in strict accord with the principles of a plan formulated by Gandhi. The Satyagraha movement was such that any one could join it even as the Congress was an organisation open to anybody above eighteen years of age and signing the creed. With the Satyagrahi, however, the demands made of intending Civil Disobedients were severe in character and strict in enforcement. It was Gandhi's firm belief that if a Satyagrahi did not care to practise an art which would take not more than eight hours to attain perfection in, he had no title to admission into the fold of Satyagrahis. If every soldier had to undergo his drill as a discipline before he could be claimed to be taken to the battlefield and could be given a place in the firing line, it was equally necessary and equally obvious that the Satyagrahi, who offered to fight the British against his war effort in India, should likewise undergo his drill and discipline in ginning, carding and spinning. The least that he should learn was to spin and submit about 1000 yards a month to the nearest Congress Committee or to the nearest branch of the office of the Spinners' Association. There were Congressmen still in the year 1940-41 who did not have a living faith in the qualification of spinning which to Gandhi's mind is non-violence in action. There are Congressmen who did not believe in non-violence itself as a matter of faith; but call it faith or call it *policy* both of which it was open to Congressmen to adopt, the acceptance of the cult of non-violence was binding. And if that was so, the acceptance of spinning as a qualification for a Satyagrahi would follow as a corollary. It hardly need be mentioned that due obedience of constituted authority and the observance of rules, circulars and standing orders of the Central Congress Committee were equally binding. The offer of services to Gandhi by any one would naturally be scrutinised in the light of these standards.

But the offer of his services by Subhash Babu who agreed to place them entirely at the disposal of Gandhi in connection with the Satyagraha movement and its rejection by the latter on grounds of vital and fundamental differences between the two, constituted the main points of correspondence that had passed between the two before Mr. Bose's sudden disappearance from his home in January 1941. Ordinarily, a Congressman of the eminence of Subhash Babu who had been elected twice as the President of the Congress

required no such approach and no specific permission but Subhash Babu apparently thought it necessary to raise the question categorically because of the antecedent circumstances connected with the happenings of July 9th, 1940.

It will be remembered that Subhash Babu was arrested on the 2nd July (1940). He was among those prisoners who were hungerstriking in the Presidency Jail according to a *communique* issued by the Government of Bengal on November 30, dealing with the situation arising out of the hunger strike. During October and November, security prisoners detained under the Defence of India Rules had put forward certain demands for special treatment and threatened hunger strike if the Government would not comply with these demands. The demands together with measures taken by Government upon representations made by prisoners were mentioned by the Home Minister of Bengal in the course of a debate in the Assembly and the Government said they would later issue a *communique* dealing with them in order to apprise the public of full facts of the case. On November 25, sixteen of the prisoners professing dissatisfaction with the extent to which the demand had been met, resumed hunger strike in accordance with their threat and were still declining food, added the *communique*, giving the names of prisoners which included that of Subhash Babu. Three undertrial prisoners charged with dacoity also declined food on November 25, but broke the fast on November 26. On November 29, Subhash Babu declined food for different reasons and still was hunger striking. Subhash Babu was later released.

In this big drama of the Congress warfare with the British Government, we have to refer to certain episodes. The Hindu-Muslim problem is far too intimately interwoven with the plot of the drama to be extricated from all the description. No doubt, it came in only after the Congress Ministries had resigned but it became enmeshed since with the main plot. Dr. Sapru's intervention began in March. He was a *persona grata* with the Government of India. He was the gentleman who along with Mr. Jayakar sought to bring about peace in July, 1930 during the Salt Satyagraha campaign. Later he played an important part in restoring good understanding along with Mr. Jayakar and the Right Honourable Sastriar—whenever there was a hitch in the Gandhi-Irwin negotiations in February and March, 1931. It is no wonder that he stepped in once again in March, 1941. He convened a conference of Moderate Leaders in Bombay in March, ' 41, and passed an important resolution at Bombay which urged the reconstruction of the Governor-General's Executive Council, so that the whole of it might consist of non-official Indians, with Indian members in charge of finance and defence also.

(2) It should be jointly and collectively responsible to the Crown during the period of war;

(3) and it should be treated on the same footing as other Dominion Governments, *i.e.*, the British Government should come out with a declaration promising India full Dominion Status within a specified time-limit after the conclusion of the war.

In his opening address Sir T. B. Sapru said, "frankly speaking I maintain, and maintain very strongly, that there has never been a Government of India more isolated from public opinion and from the main current of thought in the country than the present Government of India."

The first Conference was presided over by Sir Tej Bahadur Sapru at Bombay and in his speech, he expressed the sentiment that "a day will arrive when the combatants in Europe will sit at a peace conference. I do not

wish that India should be represented at the Conference except on her own right by representatives appointed by her National Government. I attach a great importance to it." So did the Congress. But the question was how to form the National Government and the Sapru Conference was not reassuring at all when they talked in one breath about the National Government and in the next made the statement that "excluding the League and the Congress there are millions of people here to be talked to" or that "a leader will be made when he is installed in leadership." These statements which are doubtless literally true are nevertheless incorrect altogether, as relevant facts or factors of a political discussion. But they helped to show which way the wind blew. Pains were taken too in Bombay at the Conference to prove that the Bombay Proposals were almost identical with those of the Poona Session of the A.I.C.C. which had met in July, 1940. If you want to save a patient, you cannot save him after his death by disinterring his bones from his grave. Poona lay dead and buried seven fathoms deep in the bosom of the earth and all the Knights of Bombay and of India could not resurrect it. It was not only dead but underwent transmigration in the form of the Satyagraha Movement based upon a clear demand for Freedom of Speech at the end of which lay the demand for a declaration of India's independence. If only that could be done, England could find in India a friend, not a foe in her distress,—a friend entering into partnership with her as an independent nation and party, but not coerced into subordinate co-operation with her by the superior powers or prowess of Britain.

In one sense, the demand of the Congress, the refusal of which led to Satyagraha, was much simpler than the demand of the leaders assembled in Bombay. The Congress only wanted acknowledgment of India's independdence. But once status was conceded function would follow as a matter of course. It depended upon the capacity of the person admitted to the status to work out the function. The status conferred upon an incapable person without leadership would remain where it was meant to be and lead nowhere but when leadership and capacity were assured as in the Congress, its personnel could be trusted to work their way through and overcome all obstacles in the way of the goal. The weakness of the Bombay session lay in the fact that in the eye of the leaders, Congress was only as much (or as little) as it was to Mr. Amery,—one out of many institutions and utmost, *a primus inter pares*. Such a view must result from, as it in turn must result in, an attitude either of condescension or of helplessness, involving submission to the inevitable. The Congress could not feel complimented either way.

What are the constitutional implications of the condition that the expanded, Executive Council should be responsible to the Crown? This is purely an academic question and the answer is partly found in the Bombay Resolution itself and partly in the speeches supporting it. The 'Executive Council responsible to the Crown' of the Bombay conference stands in contrast with what is embodied in the Poona Resolution of the A.I.C.C., namely, "a Provisional National Government formed at the centre, which, though formed as a transitory measure should be such as to command the confidence of all the elected elements in the Central Legislature and secure the closest co-operation of the Responsible Governments in the Provinces." In this the word "responsibility" is not used but the expression employed is tantamount to it. When we say that a certain Government should be responsible to the Legislature, we mean, it should command the confidence of the Legislature. We can, therefore, appropriately substitute the word

"Responsible to" for the words "commanding the confidence of" in the Poona Resolution. The Bombay Resolution then fell far short of the Poona Resolution in that while the latter demanded a Provisional National Government responsible, (if one may say so) to the Central Legislature, the former urged the formation of an expanded Executive Council responsible to the Crown. The contrast was between responsibility to the Crown and responsibility to the country. Further expanded it meant that speaking strictly constitutionally, while the elected elements of the Central Legislature alone could dismiss the Provisional National Government, they could not do so in respect of the expanded Executive Council. Let us put it in the other way. The expanded Executive Council can be dismissed, overruled and vetoed by the Viceroy who is the representative of the Crown to which it is made specially responsible. Not so the Provisional National Government contemplated by the Poona Resolution. The Bombay Resolution fell short of the Poona one. There was no chance of the Congress favourably reacting to the Bombay decision. Congress must indeed be hard up to accept at that stage something far short of the Poona demand. The question was asked whether that was the only ground on which the Congress would take up such an attitude. This was a pertinent and at that moment, a useful question. The whole approach was different. The concern of the Bombay Knights was to make the war effort more intensive, more spontaneous and more abundant. They wanted a new Executive because the " 'present Executive' was neihter adequate nor sufficiently representative to organise and direct India's war efforts." Their purpose was to "help the British people to the fullest extent possible—consistently with India's interests."

> "For reasons mentioned above" says the Bombay Resolution, the Conference is of opinion that the whole Executive Council should consist of non-official Indians drawn from the important elements in the public life of the country."

The last words *drawn from*, are Amery's which were meant to steer clear of the elected elements of the Central Legislature. The Bombay Knights were somewhat chary of these elected elements being even contemplated in the Resolution. How then would there be anything common between this picture and that? But one point must be recognized. Sir Tej Bahadur did not hitch his waggon to the star of communal unity first. That was really the weakest link in the British chain of reasoning. When that link is broken, the chain is broken and when the British chain is broken, the Indian chain must function.

In this episode of the Moderates or Liberals, there is a sub-episode to which it is time a reference was made. Naturally Dr. Sapru had put himself in communication with Gandhi, (for that was natural while he was yet unbound) and with Mr. Jinnah as he obviously wished to make his Bombay Conference a non-party one and at the same same time a comprehensive one. He wanted to explore the possibility of taking Mr. Jinnah with him and that was a legitimate desire.

Dr. Sapru started operations with an article to the *Twentieth Century* in which while dealing with the constitutional issue stated that it was for the Indians themselves to come to an understanding regarding the communal question. On reading this article, Gandhi wrote to Dr. Sapru suggesting that he might see Mr. Jinnah on the subject. Dr. Sapru, however, thought that Gandhi might preferably see him and if he (Gandhi) agreed he (Sapru) would arrange an interview. Gandhi, however, apprehended that such a visit from him to Mr. Jinnah might not be fruitful as Jinnah would want to see

him (Gandhi) only as a Hindu leader. This was an astute anticipation of a letter which Mr. Jinnah presently wrote in this connection. To make a long story short, Mr. Jinnah, as apprehended, wrote to Dr. Sapru that he had never been reluctant to see Gandhi or any other Hindu leader who might wish to see him on behalf of the Hindus. This gave a quietus to the whole plan. Only the correspondence had to be published when Mr. Jinnah complained that Dr. Sapru did not pursue his efforts to bring him and Gandhi together after his letter dated February 19th. Then came the sub-episode. It shows that he wanted to see Gandhi only on behalf of the Hindu community. The words "on behalf of the Hindu Community" which were found in Mr. Jinnah's letter were omitted in his statement and that was the reason why Gandhi was not in a position to agree to such a condition. It is still more extraordinary that Mr. Jinnah should have stated in his statement from Bangalore, that the Bombay Conference, was engineered by the agents of the Congress and the Hindu Mahasabha leaders and that also well-known and prominent leaders remained in the background. The meeting of Sapru and Gandhi prior to the Conference gave rise to journalistic flights of imagination. There were press reports that Gandhi was out for a compromise. His visits to Malaviya and Sir Tej Bahadur Sapru in Allahabad and to Maulana in Naini Jail were purely friendly visits. True, he met at Sapru's place Sir Jagdish Prasad. But the visits were all wholly unarranged when he left Sevagram. The rest of the explanation is best given in Gandhi's own words (March 6, 1941):

"I had gone for one mission and that alone. What little other work I did was purely accidental. I refer to my meeting some students and Garhwali workers. I went to see Sir Tej Bahadur because he was ailing. We are old friends. He was to have come to see me but when I heard that he was ill, I insisted on going to him. No doubt we talked about the political situation and even more about the Hindu-Muslim problem.

"Sir Jagdish who dropped in and who was to dine at Sir Tej Bahadur's joined the conversation. But not the slightest political importance attaches to these conversations. We talked as individuals and not with regard to any mission. Sir Tej Bahadur is anxious (who is not?) to end the present deadlock. He would give any thing to bring about Hindu-Muslim unity. He ascribes to me overmuch capacity for bringing about unity. Sir Jagdish is no less anxious. But the talks were not more than a friendly interchange of views.

"As to the visit to Malaviyaji Maharaj, the same thing happened. He is aged. He ought not to talk about current events. He is too weak. But the country's affairs are his daily food. He will cease to think about them when he ceases to read and think of the Bhagwat Gita. These things are the breath of his life and they will stop with the stoppage of his last breath. Who knows but that he will take them where the disembodied spirit goes.

"It was a privilege to meet these friends but our talks have no bearing on the political situation in the country. And there could be none in the purely prison visits to the Maulana and Shri Vijaya Lakshmi Pandit. I know that the imaginary descriptions of such visits and the eagerness with which the public devour them show their desire for communal unity and a solution of the political deadlock. But mere desire will take us no nearer its fulfilment. For fulfilment can only come through common action of those who share the desire. All are searching for common action. Specu-

lation interferes with the search. So far as the Congress is concerned, its policy and action based thereon are well known. It is gross misrepresentation to suggest that the Congress is out for securing terms for itself. Freedom of speech is for all even as independence will be for all. The contents of the latter will be decided not by the Congress but by the vote of all. And if it is to be achieved non-violently it follows that the mere vote of the majority will have little play. The charter of independence must be the product of the willing consent of the minorities and other relevant interests which are not in conflict with the interests of the vast mass of Indian humanity.

"Be this as it may, in order that all the units may have full freedom of expression even against the war itself, the Congress has embarked upon Civil Disobedience. That is the contribution of the Congress to the fulfilment of the common desire. As an effort in direct action, it must hold the field till a better is found. Strong objection has been raised against my interpretation of the Bombay Resolution. I regard it as a true interpretation. But it is that of an individual. I have no authority from the Congress to interpret or vary the Congress resolutions. That is essentially the function of the President, the Working Committee and finally the A. I. C. C."

The second point remains to be considered. The correspondence between Dr. Sapru and Jinnah was published in the month of May, as well as the correspondence between Sapru and Gandhi.

The Bombay Conference, as was to be expected, was not a Conference either remotely or proximately in sympathy with the Congress. Complete independence they would not touch with the longest stick. Dominion Status they would willingly wait for, provided the British Government assigned a date for its inception as early after the war as possible. The vigorous promotion of war effort was their objective. To that end the executive of the Government of India must be a compact well knit body of efficient men, who could be had in abundance from amongst those who neither belonged to the Congress, nor to the League. They did not minimise the desirability of reconciliation between the two important political bodies of India, the Congress and the League. Indeed the President made endeavours before the Conference met at Bombay to explore the possibilities of bringing the contending parties together. The organisers of the Conference were, however, satisfied, that in view of the fundamental differences between the Congress and the League, there was no prospect within a reasonable distance of time of their coming together. The Conference felt at the same time that it was intolerable that the progress of the country should be held up by Government for this reason. Had not the Viceroy clearly stated on August 8th, "that they should not any longer, because of these differences, postpone the expansion of the Governor General's Executive Council. The Bombay Conference claimed to have put forward certain practicable proposals," which if accepted could have had excellent psychological effects on the country and stimulate a genuine, voluntary war effort to a much greater extent.

Mr. Amery's speech of the 22nd April dealt exhaustively with the resolution of Non-party Leaders' Conference of Bombay in March. After giving his meed of praise to Dr. Sapru and his proposals he dismissed them by stating that the scheme proposed was not a modification of existing Government but its supersession, a thing beyond the strain and urgency of war. They would create internal constitutional problems and raise still unresolved issues of constitutional future. "If I may say so without dis-

courtesy" he emphasised the fact that the suspension of the Viceroy's proposals, was due, not to their condemnation on the ground of inadequacy but mainly to the difficulty of reconciling the Muslim and the Hindu claims for the relative positions. When the 1st Conference was over in March 1941, Mr. Jinnah compared it to a Dutch Army "all Generals and no soldiers." His attitude came very handy to Mr. Amery who said that he was not aware who the actual supporters of the Bombay Resolution were.

Dr. Sapru pressed the main aspects of the case of the Conference in the two long interviews he had with the Viceroy on 7th of April. He naturally stood by the Bombay Resolution and explained its implications. His line was, "if the Congress and the Muslim League are ready to come in, let them come in. We shall welcome them but it is for them to decide; if, however, they are not prepared to come in, or compose the differences either between themselves or with the British Government, I see no reason why the rest of the country should be made to depend upon their will. In that case, changes in the constitution at the Centre must come about." To be fair to Dr. Sapru, what he had repeated to H. E. the Viceroy and what had been the very essence of their point of view, must be stated here,—"that if at any time the Congress and the Muslim League desire to come in it will be up to those who will be taken in the Government to make room for them, unless of course it appears that the Congress and the Muslim League have lost the confidence of the country. In other words, the people who want to go in are not careerists and do not want to oust any party." ....He did not think that any amendment of the Government of India Act was needed to give effect to the reconstruction of the Central Government advocated in the Bombay conference resolution. Amplifying the passage in the Bombay Resolution regarding the demand of equality of status, between India and the Dominions, Sir Tej said "I was keen at the Conference and I was keen in my explanation yesterday (that is before the Viceroy) that at the time of the Peace Conference, representatives should be those appointed by the Government of India and by the Secretary of State and they should not be the leading strings of the latter. They must have their instructions from the Government here. If any doubt arises, they must refer to the Government here. I am not particularly fond of the Statute of the Westminster. My view has been that the status of India should be that of any other Dominion, whatever the constitution that may emerge after the war."

Later on May 10th deploring that Mr. Amery made no contribution towards the solution of the deadlock, Sir Tej Bahadur in the course of an article in the *Twentieth Century* under the caption "Mr. Amery and the Bombay Conference" stated "for the British generally to agree to the demand of the dissection of India will be, I maintain, an act of black treachery to India." Sir Tej Bahadur, though he was no apologist for the Congress Governments and questioned the wisdom of Satyagraha movement, could not feel happy at all that men who were members of various provincial governments until the other day and on whom Governors were showering their praise should find themselves behind the prison bars.

Sir Tej Bahadur maintained that it was very poor statesmanship which allowed things to reach a stage when it became necessary for Government to shut up its own Ministers and added :—"Not that I would hesitate to take the step if it should become absolutely necessary, but I should exhaust all other means of redressing the situation before I would allow it to reach that stage. When it is apparent that two big organised parties have been carry-

ing on a domestic war under the inspiration of different ideas, and when each one of them claims for its principles and resolutions the binding force of a creed, it is extremely dangerous to make agreement between them a pre-requisite to any change in the constitution. What is to happen if they do not come to any agreement? Will the British Parliament then abdicate its right or claim to frame any constitution for us?"

After referring to Mr. Amery's arguments regarding the situation in India and the constitutional reforms, Sir Tej says, "Judging of the future, in the midst of the present obstinacies and perversities, one almost feels that we have been placed at the mercy of some leaders, who believe that they have a certain mission in life and that they can afford to dictate to everyone. Apparently in Mr. Amery's strategic themes, there is no place for middle-minded men of any community."

After examining the scheme of Pakistan and its application by them to the Institute, Sir Tej Bahadur continues, "the mere fact that you or I have some complaints against the Congress or any other class of politicians in power in any particular part of India, cannot justify the demand for the dissection of India. To divide India in this manner would be to divide it into two hostile camps obstructing each other's progress, intriguing against each other and possibly warring against each other."

Concluding Sir Tej says: "no one can say with certainty what view the British will take on this scheme. Amery has spoken with mildness of language which was perhaps dictated by the expediency of the occasion. But one can read in his language an expression of dissent on the practicability of the scheme. For the British generally to agree to it would be, I maintain, an act of black treachery to India. They will unwrite the history of their work in the last 175 years. The long and short of it is that all appeals of Mr. Amery, however well intentioned they may have been, have fallen flat upon this country except presumably on Mr. Jinnah and his followers, and today after more than one year of office at Whitehall he cannot say that he has contributed anything to a solution of the deadlock."

The non-party leaders were intensely dissatisfied with Mr. Amery and thought it necessary to hold another session of their conference in order to overbear the British Government which remained obdurate and adamant. Apparently, the two boats,—British Government and the Poona Conference wanted to run a race with each other and if possible the former wanted to take the wind out of the latter's sails, for while the Poona Conference was timed to come off on the 26th July, the Government of India made its announcement of expanded Central Executive on the 22nd.

## II

Well nigh a year had elapsed since Mr. Amery came to office. He had made many long and well-worded speeches. There is no flambuoyancy about them. They are severly logical. They are not evasive in character. They get to grips with the issues. Their defect is the defect of the speaker. He is a diehard conservative, good second to Mr. Churchill. He believes in repeating his arguments. The impression of his speeches and argument on others' minds matters little to him. Lord Morley at one time believed in rallying the Moderates, that was in 1906, 07, 08, 09. Mr. Amery goes one better and gives the go-bye to the Moderates as well as the Congressmen and all parties are left to wallow in a common political mire. All are tarred with the same brush. This is what he did in his April speech when on the

22nd April he moved a resolution in the House of Commons to extend for another year the proclamation under which the Governors of the Indian Provinces could assume the powers of Provincial Legislatures.

Mr. Amery reminded the House that in Bengal, Assam, Sind and the Punjab representing one-third of the whole population of British India, Provincial Governments continued to work. It is a matter of regret, said Mr. Amery, that the 200,000,000 inhabitants of the other seven provinces were forbidden by the order of the Congress High Command to continue the tradition of self-government. Mr. Amery referred to the British Government's policy in regard to India's constitutional advance and said that the whole field of constitutional reform was open to revision subject to agreement upon the kind of constitution Indians were prepared to work. Continuing Mr. Amery said : " If the Indian statesmen come to the conclusion that our type of democracy stands in the way of agreement, India's needs could be better met by a constitution in which the executive would derive its authority more directly from federated units, like the American executive, independent of the legislature." Mr. Amery further said that it was not possible for a change of the type of Government of India during the course of the war but there was nothing to prevent Indian leaders now engaging themselves in preliminary discussions. Mr. Amery went on to say, " The Congress is, I fear, blind to the risk that no alternative constitution is now likely to emerge which could secure for it as great a measure of influence and control over India as a whole as it would have exercised under the present Act." " The most significant symptom ", continued Mr. Amery, " is the growing strength and demand voiced by Mr. Jinnah for complete separation from the rest of India of the north-western and north-eastern zones of India and establishment of completely independent States controlling their own defence, foreign affairs and finance.

" I am not concerned here with the immense practical difficulties in the way of the so-called Pakistan project.....stated in this extreme form, nor need I go back to the ' dismal record ' of India's history in the 18th century and the disastrous experience of the Balkan people before our own eyes to-day and this provided proof of the immense dangers of breaking up the essential unity of India."

Mr. Amery then referred to the August Offer, the essential policy underlying which was that the framework of India's new constitution should be devised not by the British Parliament but by the Indians themselves. That was a far-reaching and revolutionary announcement.

It was a recognition in advance of India's status as a dominion. That recognition was coupled with two conditions, namely, due fulfilment of obligations arising from Great Britain's long connection with India and secondly, that India's future constitution should be essentially an Indian constitution, framed in accordance with Indian conception, Indian conditions and Indian needs.

Continuing Mr. Amery said, " there was one stipulation and that was that the new constitution must be the outcome of agreement among the principal elements in India's national life, an essential pre-requisite to success.

"If Indians are not able to agree on the kind of constitution they want, how are they likely to agree upon the actual working of it? Anxious as we are to see that the responsibility for Indian Government rests on Indian shoulders, we can only transfer responsibility to some authority which can assume it without immediately breaking down or breaking up. Subject to

that agreement, the whole field is open for modification or fundamental reconstruction of the existing Act. Indian statesmen need not be bound by the system of government at the Centre nor by the relations between the Centre and the Provinces and the States."

Mr. Amery has made an analysis of the threefold responsibility of all parliamentary Government if it is to work successfully, first to the Crown, second to Parliament as an institution, third to the supporters of Parliament. The first has engendered the old phrase "King's Government is carried on" but Mr. Amery must know that the Congress has plumped for independence. The second he says is "founded, Mr. Speaker, upon your authority and upon the right of minorities which subject to established authority to Parliament are in your keeping." Mr. Amery certainly knows that here, while the ministries have resigned voluntarily, the Legislatures have been suspended, putting the Speaker out of action. Then there remains only the third responsibility which has been legitimately fulfilled by the ministers. It will be thus seen that there is no "Party totalitarianism" as Mr. Amery puts it. Mr. Amery deals with the Viceroy's offer and says that the invitation to Indian leaders representing main political factor to join the Viceroy's Executive Council was not only individually to take charge of important departments but also to partake fully in collective responsibility of Council. This idea is amplified in his July speech, presenting the White Paper to the Commons on the expansion of the Viceroy's Council, in which in the course of debate he stated in reply to a question that the whole Council had full statutory collective responsibility. But this Mr. Amery surely realises is but a Barmicide feast, for there is in it nothing of responsibility to the Legislature. Mr. Amery's offer is a rich '*Dastarquan*' (rich dish cover, with nothing underneath). "So far," says Mr. Amery, "our hopes have been disappointed. Congress rejected both our major and interim proposals. Its attitude is 'all' or 'nothing.'" And by 'all' he means immediate independence of an India governed by a constitution which would ensure majority control. Then he describes what he calls a curious campaign of Mr. Gandhi's devising, involving ex-Premiers and ex-Ministers as well as the selected members of rank and file who made speeches against the war effort and deliberately challenged fine or imprisonment with the same unquestioned obedience to Party Whip as when they resigned office. He described the three phases of the movement. "The first confined to leading members of the Congress ended in January, the second to representatives of Provincial and local Committees ended early this month and now we are in the 'rank and file' phase." "The Magistrates" Mr. Amery said, "while vindicating the law treated the problem with commonsense, ignoring nonentities and in many cases imposing fine without option of imprisonment. This latter procedure has been so discouraging to those whose chief inducement was of prospective electioneering value of prison sentence, that Mr. Gandhi has had to announce, that payment of fine will count an equally meritorious sacrifice in Congress hagiology." [For the benefit of the reader, it may be here added the hagiology means the literature treating of lives and legends of saints.]

Mr. Amery deplored that the Viceroy had to give up his search for members of Executive council as early as November as the Muslim League in particular asked for a measure of representation as against Hindu element and made stipulation as to the future which the Viceroy would not see his way to accepting.

Gandhi issued the following statement on Mr. Amery's speech in the House of Commons :—

"I have read painfully the long report of the debate in the House of Commons on India. Distress has been known to have softened people's hearts, and made them mindful of facts. But Britain's distress has evidently left Mr. Amery absolutely cold and untouched. This callousness makes me more than ever confirmed in my opinion that the Congress must abide by its policy of non-violence, in spite of the heavy odds facing it. Mr. Amery has rendered no service to Great Britain by his contemptuous disregard of the situation as it exists in India and facts that stare one in the face. He talks glibly of the British rule having given peace to India. Did he not know what was happening in Dacca and Ahmedabad? Who was responsible for keeping the peace in these two places? I hope he will not throw in my face the fact that Bengal at any rate has self-Government. He knows what a mockery that self-Government is. He knows what little power for such emergencies the toy Ministers have, whether they wear a Congress label, League label, or another.

"I ask a very pertinent question: Why has this long spell of British rule left the people so emasculated, as to disable them from standing up against a few hundred *goondas*? It is a humiliating spectacle, more for the British than for us, to see thousands of people running away from their homes through sheer fright, because a few hundred *goondas* have found a favourable atmosphere for resorting to arson, murder and loot. The first act of any Government worth the name would be to teach its people the art of self-defence, but the foreign British Government had no concern about this fundamental welfare of Indian citizens, and so it deprived the people of the use of arms.

"All the handsome tribute that Mr. Amery pays to the Indian troops falls flat on the Indian soil, because leaving aside the Congress non-violence for the time being, if India had been equipped and trained for self-defence, and if India had become a voluntary Ally of Great Britain, I hold that all the European powers combined for destruction would not have touched Great Britain.

"Mr. Amery has insulted Indian intelligence by reiterating *ad nauseam* that Indian political parties have but to agree among themselves, and Great Britain will register the will of a united India. I have repeatedly shown that it has been the traditional policy of Great Britain to prevent the parties from uniting. 'Divide and Rule' has been Great Britain's proud and ill-conceived motto. It is the British statesmen, who are responsible for divisions in India's ranks, and divisions will continue so long as British swords keep India under bondage. I admit that there is unfortunately an unbridgeable gulf between the Congress and the Muslim League. Why do not the British statesmen admit that it is after all a domestic quarrel?

"Let them withdraw from India and I promise that the Congress and the League and all other parties will find it in their interest to come together and devise a home-made solution for the Government of India. It may not be scientific, it may not be after the western pattern, but it will be durable. It may be that before we come to that happy state of affairs, we may have to fight amongst ourselves. But if we agree not to invite the assistance of any outside power, the trouble will last perhaps a fortnight, and will not mean even one day's destruction of human-heads, such as goes on in Europe today, for the simple reason that, thanks to the British rule we are wholly unarmed.

"Mr. Amery, in utter disregard of truth, misleads his ignorant audience that the Congress wants 'all or nothing.' Let me remind him, that in order to placate the British sentiment the Congress descended to the Poona Resolution, and when at Bombay it undid the Poona Resolution, I authoritatively stated that the British Government could not at the present moment grant or declare India's independence, and that, therefore, for the time being we should be satisfied with complete freedom of speech and pen. Was that "all or nothing" ?

"With Mr. Amery's state of mind, I suppose it was too much to expect him to have the elementary grace to acknowledge the studied moderation of the Congress in its desire not to embarrass the British Government, whilst it is fighting for the very existence. Not having that grace Mr. Amery turns Congress moderation against, and claims that the Congress civil disobedience has fallen flat.

"It took my breath away when I read his statement about India's prosperity. I say from experience that it is a legendary thing. India's millions are becoming progressively pauperised. They are miserably clothed and underfed. Because there is one man's rule, he is able to produce the budget of millions. But I make bold to say that that is not only no proof of prosperity of the famishing millions, but proof positive that India is being ground down under the British heel. It is the duty of every Indian, who knows anything about the distress of the peasantry, to raise a rebellion against this autocratic rule. Fortunately for humanity, India's rebellion is a peaceful revolt, and I hope that it will be through an exclusively peaceful effort that India will realise her natural destiny. But I must not carry any further the painful dissection of Mr. Amery's performance. It hurts me to have undertaken even this very brief analysis of his speech, but it is so amazingly misleading, that I felt I should be failing in my duty if I did not point out at least some of the most glaring discrepencies in that unfortunate utterance. Surely he could have rested content with the undisputed sway he exercises over the destinies of four-hundered million people."

For some time previously, Mr. Arthur Moore Editor of the *Statesman* had been carrying on propaganda through interviews and Press in Britain and India in favour of conciliating India. This was anathema to some of the Anglo-Indian businessmen.

"The following letter had been addressed to the *Statesman* by the president, vice-president and several prominent members of the Bengal Chamber of Commerce :—

'The India debate in the House of Commons on April 22 last has been followed by a certain amount of controversy in the British press as to the merits and demerits of the present policy of His Majesty's Government towards India and the solution of the existing constitutional *impasse*. To that controversy various contributions, which have been given publicity in India, have been made by Mr. Arthur Moore, the editor of the *Statesman*, now in England.

"In order that no misunderstanding may exist in the minds of the public in Britain or India, we, as members of the committee of the Bengal Chamber of Commerce, desire to make it clear that Mr. Moore's political views on the Indo-British constitutional issue, as expressed in recent newspaper articles, interviews, etc., in Britain and India, must not be regarded as being re-

presentative of the British business community here. Mr. Arthur Moore's position as editor of the *Statesman*, and his close identification with Calcutta, may lead the public in Britain and elsewhere to think that his political views and activities have the support of British business interests here. We wish to place on record that this is not the case nor do we find ourselves in agreement with the editorial policy of the *Statesman* in this respect.

"In our considered view the India policy of His Majesty's Government as pronounced by the Viceroy on August 8 and in subsequent utterances by the Viceroy and the Secretary of State offers India the most effective means of simultaneously advancing her war effort and her constitutional status within the empire."

The signatories to the letter are: Mr. G. B. Morton, president, Mr. R. R. Haddow, vice-president, Mr. N. W. Chisholm, Mr. E. B. Pratt, Mr. H. G. Stokes, Mr. J. H. Burder, Mr. A. Duncan and Sir H. H. Burn.

The invasion of Russia by Germany on 22nd June, 1941 gave an added impetus to the Labour members in regard to the Indian question. The Labour Party in England was driving Mr. Amery on hot coals in the Commons. They were repeatedly drawing his attention to an Indian problem. Soon after the commencement of the German invasion, the Commons were overwhelmed with Labour Criticism of British Policy in India. The Duke of Devonshire, Under-Secretary for India, made a speech in the University of Oxford that the Government of India would be "for India, by India and in India." He never stated in the words of Abraham Lincoln that the Government would be "*of* the people, *for* the people, *by* the people." The Duke's speech occasioned the first interpellation in the Commons by Mr. Sorensen, after the Russo-German war, regarding India and Mr. Amery said he had "no new proposals" and that the question of consultation with Indian political parties did not arise. On July 10th, Mr. Sorensen (Labour) asked whether in view of the altered international situation, the Secretary of State for India had considered "the substantial diplomatic and psychological advantages that might accrue from the release on amnesty of political prisoners in India and a reconsideration of the basic cause of the continuing political deadlock and of an acceptable policy to remove this, and whether he contemplates any further approach to the Indian political leaders."

Mr. Amery replied he was afraid he could not accept Mr. Sorensen's inference with regard to the effect of the altered international situation upon the political deadlock in India. In any case, he was not then in a position to make any fresh statement on the subject, which, however, continued to engage the earnest attention of His Majesty's Government.

Mr. Arthur Moore speaking at Oxford on 17th July 1941, said:—

"Let us play our part in Asia, too. It is for us to bring home to India in a ringing, clarion call that will wake the very dead to the fact that she has to show herself a nation, now and not to-morrow, that with every week that passes the danger of utter destruction will grow greater unless she proves herself a nation, quits her petty quarrels, fights united as a nation with the same full equal status as Australia or any other country now throwing all its weight into the struggle.

"It is for us to make it plain that she can have the status now without delay. Let us show to India and all the world that we are not merely fighting to save old freedoms but create new ones, not merely to save an old world but to build a better world.

"Could India live if China died? Could India live if Germany bestrode the Asia Minor and Central Asia? It is for Britain and India to kindle in Asia such a fire of enthusiasm as will burn to nothing the plans of Hitler and the schemes of the Japanese Staff."

## RABINDRANATH PASSES AWAY

He had already fallen seriously ill and returned to Shantiniketan his abode of peace, from Calcutta where he underwent treatment. During this period of convalescence, the poet gave to a grateful world the glory of his last utterance. The pathos and dignity which the contribution abounds in was only equalled by the fact that on the eve of his death on the 7th of August, 1941, he had written a poem on death itself. That was in keeping with his philosophy of life, and the spirit of resignation which always co-existed with his interest in life. The passing away of this patriarch of India, this Poet and humanitarian, ripe in years as in service to his country and to the world was a deep loss to the nation which needed the services of elder statesmen, poets and warriors most in its hour of trial. From the day on which the poet had surrendered his insignia of Knighthood, as a protest against the Jalianwalla bag massacre and the subsequent spirit of callousness of the British to the hour of departure, the poet had taken interest alongside of his worship of the muses and pursuit of the education of youth, on all critical occasions, in the history of his motherland, and stood up for her dignity, honour and freedom.

In his letter to Lord Chelmsford renouncing his Knighthood, he observed that "the time had come when badges of honour make our shame glaring in their incongruous context of humiliation and I for my part wish to stand shorn of all special distinction by the side of those of my countrymen who for their so called insignificance are liable to suffer a degradation not fit for human beings."

The Poet's illness began in 1937 and he made an easy recovery then. In October 1937, the A.I.C.C. adopted a resolution praying for his health and longevity.

### Rabindranath's Last Poem

Here is the translation of the last poem on DEATH by the Poet: This English translation, prepared by Dr. Amiya Chakravarty, has been authorised by Vishva-Bharati.

Sorrow's dark night, again and again,
Has come to my door.
Its only weapon, I saw,
Was pain's twisted brow, fear's hideous gestures
Preluding its deception in darkness.

Whenever I have believed in its mask of dread,
Fruitless defeat has followed.
This game of defeat and victory is life's delusion;
From childhood, at each step, clings this spectre,
Filled with sorrow's mockery.
A moving screen of varied fears—
Death's skilful hand work wrought in scattered gloom.

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The expansion of the Central Executive Council became the subject from early July of frequent communications from Press correspondents which some thought were inspired and others considered, were only inferred. In the meantime, Germany invaded Russia on the 22nd of June and the situation in India bore a new complexion. On the one hand, the people were agitated by the view that Russia having become an ally of Britain by the Russo-British agreement of the 12th of July, the political prisoners in India notably the Communist prisoners and detenus should be liberated. The fact seems to be that with the outbreak of Russo-German hostilities, new symptoms of the war malady appeared and each new doctor prescribed his new remedy on a symptomatic basis, ignoring the original morbid anatomy and pathology and eager to subdue the distempers springing to the surface. Royists, Kisan Sabhas and Communist organisations have erred thuswise. The All-India Kisan Sabha and certain Communists and Trade Unionists began to speak of Russia as the Fatherland of the Indian peasants and workers. In this country, the Congress has only heard of India being spoken of as the motherland. Obviously, there is something incongruous in the peasants and workers finding their motherland in Hindusthan and their Fatherland away in Russia. These friends passed resolutions in favour of full support through men, money and materials, to Russia. At the same time, they affected to be anti-British. Pro-War, anti-British, Pro-Russian made a real *chow chow* of ideas. Confusion began to reign rampant for the time being.

These riddles and conundrums apart, there remained the indisputable fact that Government felt perturbed by the war knocking at the doors of India. Although in Parliament, Mr. Sorensen, Mr. Gallway and the Labourite members, were, week after week, banging at Mr. Amery as to the change in the international situation which he would not admit, and to a change of policy in India consequent thereon which in any case, he would not agree to, yet in spite of all this, it was evident that, judging from a section of the British Press demand a change of policy, that the Government of India wanted if possible, to enlist public sympathy and co-operation in war effort on a more intensive scale and, to that end, do something that would—if it did not resolve the deadlock, at least put them right with the vested interests of India. Accordingly on the 21st of July were announced the appointments of seven Indians,—Sir Sultan Ahamed, Sir Homi Mody, Sir Akbar Hydari, Mr. Aney and Mr. N. R. Sirkar, Mr. Raghavendra Row and Sir Feroz khan Noon. These seven with Mr. Ramaswami Mudaliar would make eight Indians in all against three official Europeans and the Commander-in-Chief. This step was only viewed as more jobs for Indians by the *Daily Herald* which pressed for a reconsideration of the problem on a different basis altogether. Even the Liberals in India, did not view the change with any degree of satisfaction.

When it is remembered that the announcement was made exactly a month after the outbreak of the Russo-German war, the statement by Government that it has decided to enlarge the Executive Council "as a result of the increased pressure of work in connection with the war" appeared to be somewhat "narrow" of the mark. To say that this was done as is said by the *communique* in order to permit the separation of portfolios of Law and Supply and Commerce and Labour, the division of the present portfolios of Education, Health and Lands into separate portfolios of Education, Health and Lands and the Indians Over-Seas; and of the creation of portfolios of Information and Civil Defence is for the Government of India to stand

self-convicted. For as Dr. Sapru later asked in his presidential address in the second session of the Non-Party Leaders Conference at Poona, the country began to ask everywhere, whether there was no congestion of work on account of the war in respect to the portfolios of Defence, Finance, and Communications. The objects underlying expansion were obvious and were explained in a *Communique* dated Simla, July 21.

Described as "non-political and non-communal" the expansion then announced would result in a Council with three officials and eight non-officials as against the then existing Council of four officials and three non-officials excluding the Commander-in-Chief.

It was claimed that the announcement implemented the offer of previous August substantially, so far as the then attitude of the major political parties permits. It was emphasised that there was no change of policy since the August Offer had been made; that the object of the expansion was efficient government of a country at war; and that the changes made were within the framework of the constitution and without prejudice to the future constitutional settlement by agreement among the political parties.

By way of explanation of the policy underlying the expansion as well as the constitution of the National Defence Council, it was pointed out that they should be regarded purely as a war measure and not as intended to satisfy any political demand. No political demand was excluded or prejudged by what was being done. All the promises made in the August Offer still stood. The individuals to be appointed, it was pointed out, were persons whose status as representative Indians was beyond question, and so on. They would hold office at His Majesty's pleasure.

Members existing as well as new of the expanded Executive Council, it was officially stated, would draw Rs. 66,000 a year, instead of the previous salary of Rs. 80,000. It was expected that they would assume charge without unnecessary delay.

**Civil Defence Portfolio**

Of the two new portfolios, namely, Civil Defence and Information, it was explained that the first had nothing to do with Military defence but would include A.R.P. and the creation of services and provision of equipment necessary to deal with the immediate danger or the effects not only of air attack but of hostile action by land or naval bombardment; maintenance of essential services under these different forms of hostile action; care of the fugitive population, or those rendered homeless, prevention of panic, etc. It was expected that, as in England, Civil Defence would develop into a large and important portfolio which it was impossible to combine with any other department. Mr. E. Raghavendra Rao, the Member-in-Charge, who was then in England, was to make a special study of the Civil Defence situation there before coming over to India.

Under Information were included the task of mobilising the country's war effort and preserving the confidence and morale of the population.

The composition of the expanded Executive Council was described as the best evidence of the anxiety of the Viceroy and of His Majesty's Government to secure really representative non-officials of the highest possible standing for important positions of responsibility.

The development of the war situation and the possible approach of the centre of operations towards India, it was said, might mean that there would be even heavier calls on the machinery of government in the future than in the past and it was necessary to see that the Executive Council was not shorthanded. It was necessary to see that members were not tied down by

burden of departmental work to their headquarters. It must be possible for them to tour India.

The expanded Executive Council and the National Defence Council were characterised as two elements of the expansion of machinery which had been decided upon. The Defence Council, if it was to fulfil the functions for which it was intended, would also claim more time of the members of the Executive Council.

Simultaneously, a White Paper on India and War was presented to the Parliament by Mr. Amery, Secretary of State for India on 22nd July. It was more or less a narration of the events of the previous eleven months and a repitition virtually of the Viceroy's *communique*.

The reactions of the expansion of the Viceroy's Executive Council make interesting reading. Mr. Jinnah flew into a rage over the fact that the Viceroy should have canvassed his men over the head of himself, the President of the League and its Executive Committee. He threatened disciplinary action against the Premiers of Bengal, Punjab and Assam. The Premier of the fourth Province of Sind was unconnected with the League. Sir Sikandar himself was returned as a member of the Unionist Party to the Punjab Legislature. Mr. Fazlul-Huq owed his seat and power not to the Muslim League any more than Sir Sikandar and was returned by the Krishak Proja Party of Bengal. Sir Saadulla alone was a catch of the League but not as from the time of his election. It was the League that courted the men, not they the League. If Mr. Jinnah's disciplinary action should materialize it would only relieve the two Premiers of the Punjab and Bengal of a privilege which was a doubtful asset and a sure burden. But the contention of the Premiers was that if the League would agree to their continuing as Premiers of the three provinces, they should answer the duties incidental to those positions in the Defence Council as well. That was an argument difficult to meet.

The reaction on one of the leaders of the Depressed Classes of India, namely, Dr. Ambedkar was something stunning.

Dr. Ambedkar cabled to Mr. Amery as follows :—

> "You flouted 60 million Depressed Classes; gave 43 per cent. representation to Muslims, nearly equalling that of Hindus. Astounding. Government mortgaged some communities only. Having recognised Depressed Classes, important and distinct element, national life, having insisted their consent, constitutional changes and exploited their co-operation in the war. Their exclusion from Council, bespeaks want of good faith on your part. We never asked or had support from British. Want only justice. Depressed Classes are not prepared to surrender their right of representation on Council. Strongly urge you recognise the same. Adding one cannot hurt."

The way of Mr. Aney to the Viceroy's Executive Council did not appear to be easy or even devoid of thorns, as the *Hitavada* put it. For according to press reports, Pandit Madan Mohan Malaviya asked him to resign the membership of the party of which he was the leader, namely, Congress Nationalist Party. Mr. Aney went one better and at the month end of July resigned the membership of the Congress itself. A veteran like the Rt. Hon. Srinivasa Sastri stated that he did not see what good this announcement would do. The Government had neither strengthened their position nor met the people's demands in the slightest degree. At the other end, Gandhi stated that the announcement did not affect the stand taken by the Congress nor did it meet the Congress demand In reply to a question, he added "I can at once say that I have no authority to prevent the members of the A.I.C.C. from doing

anything they wish to do. The authority given to me by it does not permit my interference with the fullest freedom of its members and in any case, the body that gave me authority can at any time refuse it or withdraw it."

The Sikhs took it as an insult to the honour and intelligence of the entire community that no Sikh was thought fit to be included in the Central Cabinet, especially when the expansion had been made to improve the war effort.

Government themselves did not claim it to be more than a mere war cabinet, necessitated by the increased pressure of war work. They were on a shaky ground in making such a statement for as Dr. Sapru asked in his address at the All Parties Conference, Poona, whether only the work of the Indian members increased on account of the war while Communications under Clow, Home under Maxwell and Finance under Raisman, did not require any relief. In cold and withering derision, Dr. Sapru asked whether Sir Reginald Maxwell was such an indispensable factor in the Government. But the Government of India were correct as well as Mr. Amery when they stated that the expansion was not a peace part of any constitutional changes for the offer of August 8th remained and it was for the Indians themselves to work it up. Reference has already been made to the intense discontent expressed by the *Daily Herald* and its pressing call for a reconsideration of the situation by Mr. Amery. The usual quota of Labour Members of Parliament, friendly to India in expressing discontent, coupled it with the demand for a day of discussion in the Commons over the Indian question. Mr. Amery spoke on the 1st of August and stated that Britain was always prepared to admit India to free and equal partnership as soon as practicable after the war. The question was not, he said, whether or when India would be declared a Dominion but how she was going to govern the country. "The delay was entirely due to the inability of the Indians to agree amongst themselves on the terms on which they should govern themselves."

Although the burden of Mr. Amery's song was the same in all the speeches, namely ' do nothing ', yet the elaboration and rhythm had a marked variety from performance to performance and in each of his periodical demonstrations and displays, he gave proofs of a greater and greater perfection of art attained by him over his previous standards. He pointed out how the issue before the passing of the Act which was whether and if so how far Britain should transfer its authority for the Government of India as a whole to Indian hands,—" which was an issue not only between Indian leaders and Parliament but one on which the Parliament itself was keenly divided," —how that issue, as an issue of principle, had passed outside the field of controversy. " Today ", he continued, " the major issue is not whether India should govern herself but how she is to govern herself; under what type of constitution it is possible for her to preserve her unity and yet secure her freedom and reasonable self-expression for the varied element which compose her national life." He considered the plan of the Central Government as laid down in the Act of 1935 following as it did the customary lines of British system of responsible parliamentary government, appeared to be open to doubts of its possibility in the light of the events since then and the experience of actual working of the provincial autonomy. In Britain the system of Government postulated a party system in which loyalty to party is never supreme loyalty but is always in the last resort, subordinate to a sense of loyalty to National interest as a whole and to Parliament as an institution. Mr. Amery denied the existence of such conditions in India as prevailed in Britain,—conditions that would make possible the minority

of today being converted into a majority of tomorrow. Why Mr. Amery visualised the parties in India as strictly religious and communal and therefore demarcated them into Hindu and Muslim,—for that is the only basis on which we can understand his remark—it is difficult to understand. For on the same basis, he should divide the people in Britain into the Protestants and Roman Catholics or into Methodists and the Episcopelians or into the High Church Party and the Low Church Party and then, in Britain too, the minority can never become the majority. No, the fact is that in India while social, religious and cultural rights are guaranteed to all minorities, the whole population is evolving and must be trained to evolve, common political programmes in which the economic interest of the whole nation would constitute the basis of the conflicting issues that determine the division into competing parties. To say still in August 1941 as Amery had said a year previously in August 1940 that in India "experience of Party Government in the provinces has rightly or wrongly convinced great and powerful elements in Indian National life that their lives and liberties would not be assured under the Central provisions of the present Act or under any amendment of it which would still leave the Executive control of India in the hands of a Government dependent on a parliamentary majority from day to day, which in its turn, obeys "unswearingly the dictates of an outside executive," is really to beg the question. If the Indian Government had been recast simultaneously, with Provincial Autonomy this trouble would not have ensued but to build up provincial autonomy in eleven provinces on the basis of responsible government without responsibility at the centre was to make a roof of disjointed tiles, which however ornamental in design, however firm in texture, however good looking and smooth, cannot combine together except by a cementing material. It was the absence of the Central Government that necessitated the dictates of an outside executive but was this executive an adventitious body, in any way uninterested, meddlesome and mischievous? No, does not the Prime Minister of England take his vote of confidence on all critical occasions first from the Union Association of Britain? Baldwin took it, Chamberlain took it. A no-confidence vote there means a dismissal of the Premier and the Cabinet not by the Parliament but " by the unswearing obedience to the dictates of an outside executive ", to use Mr. Amery's words. Mr. Amery takes up the reaction against the dangers of what is called the Congress Raj or the Hindu Raj which has gone so far as to lead to a growing demand from Muslim quarters for a complete breaking up of India into separate Hindu and Muslim Dominions. Mr. Amery proceeded " I need say nothing today of the manifold, and to my mind, inseparable objections to such a scheme at any rate in its extreme form. I would only note that it merely shifts the problem of permanent minorities to some of smaller areas without solving it. It is a Counsel of despair and I believe wholly unnecessary despair, for, I do not doubt that there is enough constructive ability and enough natural goodwill amongst Hindus and Muslims and enough Indian patriotism to find a constitutional position which will give fair recognition to all communities and all interests. That at any rate was the conclusion embodied in the far-reaching constitutional declaration issued on behalf of His Majesty's Government by Lord Linlithgow in August last." Mr. Amery admits that "the August Declaration came as a welcome assurance to the Muslims and other important elements that their fate would not be settled over their heads by some deal between the British Government and the Congress Party. On the other hand, it is perfectly true that it did come as a shock not only to the Congress

but also to many other moderate elements in India and even here, because it made clear that a new stage must inevitably intervene before India could attain her goal." He pleaded for a new technique, a technique of consultation and conciliation with each other. Civil Disobedience would cut no ice in the new conditions. Their interim policy he said, was indeed conceived as the most practical contribution they could make at that stage towards the goal in view and added that it prejudiced no constitutional issue and committed no one who co-operated in it to anything beyond his co-operation in the war effort. There was an earnest of Government's desire to see the Government of India increasingly entrusted to Indian hands. That earnest consisted of an Executive Council and War Advisory Council But the Viceroy was disappointed when he turned naturally in the first instance to the leaders of the political parties for his men. The Congress rejected the path of co-operation. The governing consideration of the expansion of the Viceroy's Executive—his War Cabinet, was necessarily efficiency. The positions transferred were key positions. The important thing was to find a team of individuals competent and willing to share collectively the work and responsibility of the Council and Mr. Amery ventured to say that Lord Linlithgow had eminently succeeded. It was not a collection of ' yes ' men that he had got.. He paid a glowing compliment to the Congress and said " I realise to the full how much over the last two generations, India has owed to the National movement of which the Congress Party is the Chief exponent. Indeed one might say that today the ideals the Congress has advocated over all these years for India are the ideals for India which we ourselves share..... If Congress had helped to make possible the carrying through of federal provisions of the present Act can any one doubt that India from that point of self-Government would be far more advanced than she is today? " Can any one doubt " he asked, " that Congress would have enjoyed a more powerful position in the Government of India than it is ever likely to enjoy again?"

The points raised in Amery's speech elicited timely and effective replies then and there. So sedate a politician as Mr. Jayakar asked Mr. Amery a straight question, saying whether the English people gave any response to the joint memorandum submitted by all the Muslim and Hindu Members at the Second Round Table Conference in 1931. That effectively disposed of the somewhat oft repeated complaint which had become the burden of Mr. Amery's song,—that the Hindus and Muslims had not agreed upon a plan of governing themselves. But Mr. Amery's acumen—constitutional and legal, historical and geographical, cultural and political, became sharper and sharper as he proceeded to state that it was not the Hindus and Muslims that should unite but the geographical units, the rest of the minorities and the provinces.

On the question of Indian Industry, Mr. Amery's statement in the Commons on August 1st evoked a sharp reply from Mr. Walchand Hirachand who was the one industrialist interesting himself in the promotion of ship-building at Vizagapatam and aeroplane building in Mysore. He desparately wired in reply that he wanted for his enterprise four million dollars credit in America and ten expert machine men and he could not get them. In the midst of this gloom came a faint ray of light—not hope,—in the attitude of Labour. The Labour Conference in Britain over which Mr. Dobbie presided, resolved that British should recognise India's right to Independence

and should set up machinery to enable Indians to hammer out her own constitution. Prof. Laski pointed out that there was no difficulty about fixing up a date or for setting up machinery of Government over India.

It is no wonder that a person like Mr. Amery should have been impressed with the discussions in India. But what mattered was a bird's eye view of the political situation not a detailed scrutiny of the nooks and corners of the political parlours. The health of a living human body is not judged by a patholigical dissection on the anatomy table but a medical inspection on the clinical cot. Even so, the health of the body politic must be judged by the broad spirit of fellow-ship and concord prevailing in the nation not by the jars and recriminations that might exist and undoubtedly rise to the surface like the air bubbles emanating from a punctured tube immersed in a water basin. The punctures may be there but there is world of difference between a pin point puncture and a horse hoof laceration. Even so let us see how the Congress stands and stood in the country. Divisions are inevitable in working out the details of a programme. Yet, while schisms prevail in the Communist Party leading to secessions and expulsions, while the Socialist Party membership is largely disturbed by swinging to the right or to the left, while the Kisans are dividing their affections between a purely agrarian programme and a politico-agrarian one, while the trade unions have arborized into one, two and three divisions, while amongst the Muslims, there are the Momins covering a fourth of their population, the Nationalists, the Jamaiat-ul ulema, the Ahrars and the Muslim League, which no sooner had it consolidated its strength and resources, presently began to exhibit fissures in its structure and fissions in its ranks,—both accentuated by the expansion of the Viceroy's Executive Council and formation of the defence board, while the Hindu Maha Sabha itself gave birth to a sister organisation called the Hindu League. There stands the Congress high on the hill of nationalism with its crest upraised above all eminences and depressions and its affairs guided by the one Man of Destiny whom the fates have thrown up into politics from his abode of philosophy and religion. For a quarter of a century he has been the guide, philosopher and friend of the Congress, —indeed in himself, the embodiment of the nation. Such is the working of the Congress, the National Body, comprising every community and covering every interest. Mr. Amery knows it. Lord Linlithgow knows it. The Parliament knows it. Britain knows it. But knowing, one and all,— none wished to part with power, hence the continuance of the deadlock.

Gandhi has, however, made a telling commentary on cabinet expansion by dwelling at length on Khurshed Behen's internment. It is well known that Srimati Khurshed Behen is the youngest of the four sisters,—granddaughters of the great Dadabhai Nawroji. Gandhi quotes the letters of Srimati Khurshed Behen to certain high officials in protest against the orders of her internment after her conviction by which her internment was confined to the city of Bombay at first and later the order was relaxed so as to cover the whole of the Bombay Presidency. She was prevented from going to Wardha being virtually "kidnapped to the Yerawada Central Jail" to use Gandhi's words.

"This action", says Gandhi, "of the Government baffles me, and is a significant and searching commentary on the so-called expansion of the Viceregal Council and what not. The public should understand that Khurshed Behen's action is no part of the war resistance campaign. But the public is hardly aware of the fact that many persons have been arrested

and detained without trial although so far as I am aware there is no charge against them of having offered war resistance either as part of the Congress campaign or outside it. They are being detained for reasons of which, neither they nor the public have any knowledge. Is Khurshed Behen's case an index of what has been done in the other cases?"

The second session of the Non-Party Leaders' Conference was advertised to take place in July and the titled aristocracy of India met right enough on the 26th July when Dr. Sapru once again presided over the Conference. He welcomed the expansion of the Executive Council but was not satisfied with the distribution of the portfolios as important ones like Home, Defence and Finance were not transferred. In their view, the battle for Indian constitutional development is a Battle of the Bulge. First of all get in, then form a salient, pushing forward the bounds of freedom and broadening it down from precedent to precedent. No doubt Mr. Amery has admitted that the expanded Executive Council of the Viceroy would enjoy "Full, Statutory, Collective Responsibility," but in modern warfare it may be noted that the battle of the bulge runs great risks of the salient being broken unless as the March advances, the convexity of the battlefront is, being reinforced by the supply centres, soon straightened. When, therefore, in our constitutional fights, there are no facilities for the quick transport of the forces, in the rear, those in the van stand perilously near their doom.

This session of the Non-Party Leaders' Conference was notable for the presence in it of the Rt. Hon'ble M. R. Jayakar who had resigned his judgeship of the Privy Council and taken a plunge into propaganda. To the cutting remark of Mr. Jinnah stating that the Bombay Conference was like Dutch Army all generals, Jayakar made the reply:—"I wish only to say that it is much better to be Generals without soldiers than to be a general whose soldiers are gradually deserting him at the first blast."

This provoked the rejoinder from Mr. Jinnah that "Little minds are satisfied with little things" and Mr. Jinnah added, "It comes with a very ill-grace from a man of Mr. Jayakar's career to taunt some of those who have deserted the Muslim League while he has deserted more than one party during his political career, not at the first blast but at the first whiff."

Continuing Mr. Jayakar said: "I wonder if he knows that 'vain minds are satisfied with nothing except themselves." As for the change of political views, the change from 14 points to Pakistan is a bigger change than any I have seen or espoused. I had many changes in my life, but a minority, however important, calling itself a distinct 'nation' distinctly ethnologically, sociologically, politically and in all vital departments of life, which can live with its sister community only in perpetual discord and isolation—this is the biggest change we have seen in our lives, effected in the short period of a few months. Pakistan looks suspiciously, like a smoke-screen behind which efforts are perhaps being made both in England and in India to down completely the principle of majority rule and devise a constitution far removed from democratic principles by the inclusion of an irremovable executive and functional representation, etc."

Continuing Mr. Jayakar said: "The parties who can relieve the people of this country from this frustration and the consequent deadlock are firstly the Government, who can transfer power to Indian hands and declare that India would be a free country in brief limit of time after the war. This would create a sense of realism which may prove attractive to the Congress and a large section of the Muslim community. The excuse of the Government that there is no

agreement among the parties is regarded as a plausible plea for not parting with power. No such agreement can be said to have been the basis of the Government of India Act 1935 and it is a notorious fact that the joint memorandum of the Indian delegates working with the Round Table Parliamentary Committee was completely ignored, notwithstanding the fact that all Indians had joined in making the recommendations.

" It is material to remember in connection with the disappearance of the principle of majority rule, to which I have referred, the recent remarks of Mr. Amery. In commenting on the disappearance of the Congress Governments from the provinces, he deplored that the Congress Governments did not realise, when they voluntarily surrendered their power and authority in the provinces, that they were deserting a form of constitution under which they enjoyed a larger share of power and authority than they can ever expect to get in future. These are significant words emanating as they do from the supreme head of the British administration in India. They clearly indicate that the prospects of a constitution, based on the British democratic principle of majority rule, are seriously threatened and we need not be surprised if the British Government take the fullest advantage of the Muslim opposition to majority rule and of the fact that the Congress Party in the Central Legislature joined the Muslim League Party in downing the Federal Constitution, embodied in the Government of India Act on the basis of a majority rule. We may take a warning from these words of Mr. Amery, which he has since confirmed in skilful terms in his later speeches.

" It is a clever pose of the Muslim leadership that it holds a pistol at the head of the Government of India and refuses to allow any constitutional progress in India, even during the period of war, without its sanction. That leadership simultaneously makes impossible all negotiations with the Congress leadership by insisting on impossible conditions which, it must know, can never be satisfied.

" The nature of these conditions are such that even negotiations are impossible on any national basis with the result, very skilfully achieved, that the present deadlock must continue to complete ruin of provincial administration in the Hindu majority provinces.

" It is, therefore, in the interest of the Pakistani Muslims by all devices to continue the present deadlock as long as they can manage. It does them very little harm and they are not concerned with what is happening to the majority community in the eight provinces, where the Congress Government foolishly deserted their seats.

" It is, therefore, in the interest of all of us, who are no Pakistani Muslims, to stop this deadlock from continuing by all means in our power. Any relief in this direction being without hope at the hands of the Government or the Muslim League, for reasons just stated, we can only turn to the Congress for our search for relief ".

Let us for a moment turn our attention to Britain. The Duke of Devonshire, the Under Secretary of State for India in moving a bill in the House of Lords for the postponement of General Legislative elections in India on the 6th of August stated it as one of the reasons for such a step that the holding of the election at the present time would almost certainly lead to an aggravation of trouble. " Moreover ", he added, " India is

engaged in a gigantic war effort, which would, inevitably, be distracted to some extent by the holding of elections now."

The Marquess of Crew voiced what is perhaps Britain's real objections to holding the elections in time, when he said that there was no choice but to introduce the Bill (for postponement) as " they could not have attempted to carry on the Provincial Governments except by making a complete surrender to the more extreme opinions expressed either by Hindu or Muslim speakers in India. Under this Amending Bill, in each Province in India, the first Legislative Assembly under the Government of India Act 1935, shall, notwithstanding sub-section 2 of section 61 of that Act, continue until 12 months after the end of the war period, unless previously dissolved under sub-section 2 of section 62 of that Act. In this section (Cl. 1) the expression " the war period " means ' the period for which the Emergency Powers (Defence) Act of 1939 is in force. When the Bill went before the Commons after being passed by the Lords, Mr. Amery made a notable admission which revealed the underlying motive determining the postponement of elections. Mr. Amery said in the course of 2nd Reading on the 10th September, 1941, " I think it would be little less than farcical, at any rate, so long as that position (the withdrawal of ministries) continues, if elections were held merely in order to afford an opportunity for ventilating Mr. Gandhi's policy of negation without any prospects of returning to Constitutional Government after these elections." Just as the Bill was being debated in Parliament and the war was progressing on to the beginning of the third year, information began to trickle down in Nagpur and Lucknow that Mr. H. V. Hodson, Reforms Commissioner, who had been recently appointed and was touring the country, sounding public opinion regarding the future constitution of India was collecting data on four points :—(1) Composite Cabinets, (2) Irremoveable Executive, (3) Redistribution of Provinces, not necessarily on a linguistic basis, and (4) Federation or confederation as the case might be. The task that was set to Mr. Hodson had indeed been forecast by Mr. Amery in two of his speeches, although the speeches themselves which were delivered so early as on August 11th and November 21 of 1940 did not arrest public attention in respect of a new constitution for India. On August 11th at Black Pool it may be remembered Mr. Amery after making a reference to India " framing her own constitution in her own way and in harmony with her own political, social and economic conception " said " and if that can only be finalised after the war is over, there is nothing to prevent much indispensable preliminary work of study and discussion and negotiation being taken in hand by friendly agreement even during the war." Thus while the leading personages were in jail, Mr. Hodson inaugurated the preliminary work of study and discussion and negotiation. With whom ? With partisans of imperialism and, shall we say, probably also with enemies of Indian nationalism ? But that was not all. The very lines on which the new constitution should be studied, discussed and negotiated were specifically indicated by Mr. Amery on November 21st when as guest at a luncheon at the English Speaking Union, Mr. Amery referred " to the problem of finding an English constitution which could reconcile Indian differences and preserve India united in essentials." He put down the deadlock in India to "the instinctive developments along the lines which her peculiar history and local conditions have made successful in this country and the dominions, in the wholly different and far more complex conditions of India." He suggested as the key to the deadlock a further increase in the powers of the

provinces, possibly rearranged and regrouped, subject to a minimum control to secure some measure of unity in foreign, defensive and economic policy and he also suggested functional representation and an executive on the American lines—that is independent of the legislature for the term of the office."

Regarding the appointment of Mr. Hodson as the new Reforms Commissioner while the war was going on in its highest intensity, it is worthwhile recalling that once again to the post of Mr. Hodson the choice fell on a Round Tabler.

## CHAPTER XI

### Progress of the Movement

### I

The second anniversary of the war was as much an occasion for stock-taking for those who had for two years resisted war effort as for those actively engaged in its pursuit. On the 3rd September, 1941, the Germans though they had not captured any of the four great cities of Russia or invaded England, or subjugated Africa, were yet, it was said perilously near the outskirts of Leningrad. The Northern Armies of the Finns and the South Eastern armies of the Germans pressed forward and in the south were pushed back 3 miles by the forces of Marshall Vorchialoff. The plan of isolating Leningrad and making Russia landlocked was still to be realized. Odessa would open the way to the Don Basin and Batum and later perhaps to Baku. Kieve would unlock the gates that barred the way to the mineral, industrial and agricultural wealth of Ukrain. Moscow would hand over to the Germans the possessions—alike symbolical and real, of all that Russia had built up and stood for those 20 years in the way of the new social order.

While the issue in Europe was in this indeterminate state, in Asia, war clouds were threatening to lower for on the third September Prince Konoy broadcast the alarming news that Japan was facing the most critical moment in her history and appealed to the Japanese people to mobilize every one of them. Turkey alone of all nations still remained a mystery and stood dangerously near the position of Syria, Iraq and Iran. Meanwhile, America carried on her 'Lend-Lease' policy and pushed her trade and industries. It was up to her to forgive Britain her old indebtedness to the United States. Professing Christianity, she allied herself as Lord Haw Haw pointed out, with an astutest Bolshevist power. Speaking of Free Trade, she was exploiting the miseries of the old world for the mitigation of unemployment of eleven million of her population. Renouncing all intentions of adding to her territory she was depriving England of her ancestral colonial possession in the name of the 'Lend-Lease' formula and sold to her 50 cruisers of ancient repute. While the European Powers were counting and recounting the passing years, at the beginning of the third year the Indian National Congress had not completed yet the first year of its Satyagraha Movement which was begun on the 17th October of 1940. It progressed steadily according to plan, to use a German Expression in Germany's cryptic war news. Gandhi had nothing to recant, not a step to retrace. Well-meaning friends standing by or sitting at a safe distance, discriminating journalists, Liberal politicians, non-party leaders, and some of the released Satyagrahis were urging the desirability of withdrawing the movement, returning to the Ministries or at least running the Ministries and the movement abreast of each other. But nothing daunted, Gandhi stuck to his guns swerving neither to the left nor to the right, watching the new currents of opinion coursing in the country, but pursuing his plan of treatment with his hand on the pulse of the nation, sure of his diagnosis and confident in his treatment, as a good physician would do when diseases such as Enteric become prolonged far beyond the proverbial three weeks, and run to one hundred and eighty days, when

strange symptoms manifest themselves, and inscrutable complications set in, when doubts are cast on the very diagnosis and the tyro is tossed about between the malaria which he had eliminated and the ascites which crosses his mind anew. The expert, however, knows that once the disease is diagonised, treatment follows inalterable principles and favourable results are bound to follow with Time and Patience. You do not swab your horses in the mid stream, much less, change them in the middle of the river. It was thus that Gandhi remained nonchalant, uninfluenced by the persuasion of friends and undeterred by the vilifications of foes. But Governments and States which are wedded to violence and are engaged in battles of bloodshed, do not set a store by Truth and Non-violence but traduce the eternal principles which guide the Satyagrahi. How else should we account for the reference of the Viceroy to the Congress in the following terms on the occasion of his broadcast on the 2nd Anniversary of the war (3-9-1941) wherein he says :—

"There are those amongst us who would like to reap the harvest of victory without having put their hands to the plough. Others there are, who, for one reason or another, are not ashamed though the nation stands in grave peril to seek to divide the people to weaken the war effort, to destroy confidence." Whatever the Government might have thought of the effect of the Congress movement, the fact is undeniable that its character and conduct received nothing but praise from the highest quarters.

The resolution of the Government of Orissa on the report of the Administration of the Police Department for the year 1940 says :—

> "The Principal call of an unusual kind on the Police during the year was the Satyagraha campaign which was introduced towards the end of the year. Fortunately as a result of the instructions issued by the leader of the movement, no disturbances were caused in this province."—(*Nagpur Times* 28-8-41)

Time and again it was borne in upon Gandhi that he should withdraw his movement, but his only reply was a concession that he gave—not anew, for every obligation carries with it its exceptions and its exemptions,—to the effect that under special circumstances, it was open to Satyagrahis who returned from jail not to offer Satyagraha, or to apply for such exemptione through their Provincial Congress Committees and such cases would bs considered but that such exemptees should engage themselves in constructive work. The former category, however, would have their names removed from the Satyagrahi list. The position was at the end of two years of war, one of *non possumus*. Only the Press correspondents were profuse in their prophecies that when the new members took office, they would signalise the event by releasing the political prisoners. It was even said that it was reliably understood that inter-communications, were taking place among the new members. Such reports were of no interest to the prisoners in the Jails, because for one thing the *causus belli*, so far as the Satyagrahi was concerned, was freedom of speech and it was not merely more than doubtful but less than conceivable that the Britisher would ever concede India such a privilege for at the end of it truly lay independence. As if to set at rest all doubts and anticipations, Mr. Churchill made a striking speech on the 9th September in Parliament. It was unusual for Parliament to meet at that part of the year, but emergent necessity to appraise the Commons of the war situation, necessitated the short session. And speaking on the Atlantic Charter, Mr. Churchill said—much the same that was mentioned in the Viceregal

offer of August 8th (1941). He never spoke of Dominion Status but of Free and Equal Partnership—a new phraseology originated by Mr. Amery, over a year previously. Mr. Winston Churchill, for the first time after the Atlantic meeting with President Roosevelt, and set at rest all speculation about the applicability of their joint declaration to India by declaring :—

"The joint declaration does not qualify in any way the various statements of policy which have been made from time to time about the development of constitutional government in India, Burma or other parts of the British Empire. We have pledged by the Declaration of August, 1940, to help India to obtain free and equal partnership in the British Commonwealth of races subject of course to the fulfilment of the obligations arising from our long connection with India and our responsibilities to its many creeds, races and interests.

"At the Atlantic meeting, we had in mind primarily the extension of the sovereignty, self-government and national life of the States and Nations of Europe now under Nazi yoke and the principles which would govern any alteration in territorial boundaries of countries which may have to be made.

" That is quite a separating problem from the progressive evoultion of self-governing institutions in regions whose peoples owe allegiance to the British Crown. We have made declarations on these matters which are complete in themselves, free from ambiguity and related to the conditions and circumstances of the territories and peoples affected. They will be found to be entirely in harmony with the conception of freedom and justice which inspired the joint declaration."

This speech was of a piece with a number of speeches of that ilk which Mr. Churchill had been won't for long to deliver on India.

Here are some of these :—

Churchill said during a debate in the Commons after the outbreak of World War II :—

> "To transfer that responsibility to this highly artificial and restricted oligarchy of Indian politicians would be a retrograde act. It would be a shameful act. It would be an act of cowardice, desertion and dishonour."

Some were reminded, by sentiments such as these, of feelings expressed by Winston Churchill back in 1930. In his premature autobiography *A Roving Commission*, he wrote : " I have always urged fighting wars and other contentions with might and main till overwhelming victory, and then offering the hand of friendship to the vanquished. Thus I have always been against the pacifists during the quarrel, and against the jingoes at its close....

" I thought we ought to have conquered the Irish and then given them Home Rule : that we ought to have starved out the Germans, and then revictualed their country....Those who can win a war well can rarely make a good peace, and those who could make a good peace would never have won the war. It would perhaps be pressing the argument too far to suggest that I could do both."

" The British nation has no intention whatever of relinquishing effectual control of Indian life and progress. We have no intention of casting away that most truly bright and precious jewel in the crown of the King, which more than all our other dominions and dependencies constitutes the glory and strength of the British Empire."

Speaking in the House of Commons on March 29, 1933, Mr. Churchill said :

" There are fifteen million more people here than can exist without our enormous external connections, without our export trade which is now halved, without our shipping which is so largely paralysed, without the income of our foreign investments, which are taxed to sustain our social services. I suppose that two millions or three millions in these Islands get their livelihood from beneficent services mutually interchanged between us and India."

Broadcasting on India on January 29, 1935, Mr. Churchill said :

"India has quite a lot to do with the wage earners of Britain. The Lancashire cotton operatives have found that out all right. One hundred thousand of them are on the dole already, and if we lose India, if we had the same treatment from a Home Rule India as we have had to our sorrow from a Home Rule Ireland, it would be more like two million bread-winners in this country who would be tramping the streets and queuing up at the Labour Exchanges."

The continued domination of India is vital to the interest of the British bourgeoisie. Mr. Churchill never fails to press this point home to his audiences. Speaking at Epping on July 8, 1933 Mr. Churchill said :

" India is vital to the well-being of Britain and I cannot help feeling very anxious when I see forces from which our population is largely supported being gradually diminished. Foreign investments are slowly shrinking and shipping is at a low ebb. If to these we add the loss of India in one form or another, then problems will arise here incomparably more grave than any we have known. You will have a surplus population here which it may be beyond the Government to provide for effectively."

Addressing the Constitutional Club before the war, Mr. Churchill said :

" A great error was made when, almost unperceived, the process of extending reform and self-government to India by Parliament was conceived. Unless you are prepared to defend your rights and interests in India, you will be stripped of every vestige you possess and expelled with ignominy from its shores. The loss of India will destroy all that we have built up."

Discussing the question of Dominion Status for India, Mr. Churchill in a speech delivered under the auspices of the Council of the West Essex Conservative Association at Winchester House said :

" At any rate I hold it of the utmost importance that we should make it clear that there is no chance of such a goal being reached in our lifetime, or in any period which it is profitable for us to consider.....It would be altogether wrong to entrust the welfare of the great masses to the Indian political classes."

But it is not Mr. Churchill alone who thinks thus of India. In an editorial in 1930 on " The Real Issue " that most liberal of British newspapers, the *Manchester Guardian*, said :—

" There are two chief reasons why a self-regarding England may hesitate to relax her control over India. The first is that her influence in the east depends partly upon her power to summon troops and to draw resources from India in time of need. This power will vanish when India has Dominion Status. The second is that Great Britain finds in India her best market and that she has one thousand million pounds of capital invested there."

Gandhi when approached by the Press to say something on Churchill's speech, declined to say anything as he considered his silence and his 'movement' are a more eloquent reply than any words he might speak.

" If I did not believe so, I would have come out with a statement without any prompting from you. But I sincerely believe that my silence is much more eloquent than any words that I may utter. After all action is all in all. My action is before all India and if you like, the whole world." No one who is acquainted with Churchill's statements from time to time on India, need have been disappointed then nor need have been irritated later by this latest pronouncement and it was well that Gandhi dismissed it so summarily.

On the third reading of the Bill to postpone Provincial Legislative Elections, Mr. Amery reiterated the reasons for the measure and added that not only in one party in the House, but in the whole House and in the country, there was a genuine desire to see India find her position as soon as possible as a *free and equal partner* in the British Commonwealth :

> " That is a matter of principle in which we had taken lead before the Atlantic Charter, which introduced no new principle, was promulgated. It is also a matter which has to be carried out in practice and certainly I would be very grateful if members who are so eager for action would help me by giving their precise schemes, under which control of Indian affairs could be given to an Indian Government which was able to continue by agreement between Indians themselves."

The further extension of Lord Linlithgow's terms was of a piece with such ideas.

In a broadcast to America, Mr. Amery answering a question as to how British policy of making a way for Home Rule, fitted in with Jawaharlal's imprisonment, Mr. Amery charged the Indian leader with hampering War effort. Mr. Amery must have felt the ground under his feet quite firm when he spoke because Jawaharlal was in Jail and he might not and even if he would, could not resent being charged with having made anti-war speeches " violent and deliberately provocative" or otherwise. But to call them violent was rather foolhardy—at least as foolhardy as when Mr. A. G. F. Farquahar, Deputy Commissioner, Nagpur had characterized Jawaharlal as a Quisling for which he apologized 'absolutely sincerely.'

Here is Mr. Farquhar's letter :—

Dated Sept., 15, 1941.

To

*Nagpur Times*

Dear Sir,

When I saw the statement in cold print extracted from its context that I had called Pt. Jawaharlal Nehru a Quisling, I was horrified at the implications that would naturally be put on it. I, therefore, come forward as quickly as possible to apologise absolutely sincerely for having said in the heat of a rowdy meeting a thing that could be so interpreted.

I see that my letter to Mr. P. M. Naidu has been published and in that letter there is a full explanation of how it came to be said and what I meant. I can now only ask that those who have been offended by the use of the word will accept my apology and allow the controversy to drop.

I have the honour to be,
Sir,
Your Most Obedient Servant,
A. G. F. FARQUHAR

Events in the Punjab consisting of Sir Sikander's resignation from the National Defence Committee were followed by a dinner by Sir Sikander to Sir Bertrand Glancey the new Governor of the Punjab who stated that he would like to be a cent per cent Punjabi, *i.e.*, without any trace of communalism. Soon after, Sir Sikander gave an interview to the Press on October 1st in which he stated how "Churchill's recent statement had evoked considerable criticism and resentment throughout the country and how he was not able " to appreciate the necessity or object of the statement." Sir Sikander added that the statement had created a feeling of despondency and dismay and was a source of embarrassment to the friends of the British. He demanded a fresh statement from Mr. Churchill bereft of all dubiety and fixing a time limit for Dominion Status and appointing a small committee for drafting the constitution during the war itself. *The Times of India* instantly endorsed Sir Sikandar's statement, and said " it cannot be denied that it created a most unfortunate impression in India." The statement has to a certain extent cancelled much of the goodwill created by the announcement of the expansion of the Viceroy's Executive Council and the creation of the National Defence Council. That was a fact which must be faced both by the British Government and the Government of India.

Sir Sikander, it may be remembered, shortly after the outbreak of the war declared in unequivocal terms that he would himself fight Britain if she refused to confer on India, Dominion Status. The same Sir Sikandar now affected not to understand the precise significance of Churchill's statement. In any case, it was not an insignificant matter that a Premier like Sir Sikandar who had been one of India's staunchest supporters of war effort in aid of Britain, should have felt extremely disappointed at the brutally frank statement of the British Premier and should have wished it had never been made, characterizing it as a source of embarrassment to Churchill's friends in India.

Sir Sikandar's unexpected comments on the British Premier's statement were not received with any very great warmth. For one thing the Congress would not say aught because, however ready it was to seek strength from outside its own ranks and policies, it could not count upon its constancy. The Hindu Sabhas wanted the Premier of the Punjab to begin with the Muslim Leaders. From Delhi came the taunt that tilting at the wind mills was not a sign of statesmanship. Bombay stated that Sir Sikandar was asking for a miracle in demanding a fresh statement from Churchill. Calcutta thought that while he was ready to strike, he was afraid to wound. Lucknow urged that the demand for a fresh pronouncement should be followed by action to supplement the declaration. Madras thought that although there was nothing in the Atlantic Charter by way of an offer to India which she had not already been promised, nevertheless it had to be realised that Churchill's statement blasted Indian hopes, however unjustified they might have been and that " Sir Sikandar was right for wrong reasons." Lahore shared Sir Sikandar's regret that the occasion for Mr. Churchill's statement was " most ill-chosen " and its psychological effects showed a serious miscalculation by the British Prime Minister of Indian mentality and that Mr. Churchill's " words lent themselves to misrepresentation not altogether free from misunderstanding." The *Times of India* thought that the statement made a most unfortunate impression.

Sir Sikandar himself thought that Mr. Amery's answers to the American questionnaire had made confusion worse confounded and presented an ultimatum in the following words :—

"If within two or three weeks the suggested declaration was not forthcoming, he would have no hesitation in making an appeal to Indian political parties to present a united front."

Of the four provinces where popular ministries continued,—namely, the Punjáb, Bengal, Assam and Sindh, the Premier of the first differed materially from those of the other three in respect of their attitude towards the dual authority which was at the time exercising control over the three. Sir Sikandar of the Punjab resigned from the Defence Council. Fazlul Huq of Bengal resigned from both the Defence Council and the Muslim League Executive. Allah Bux of Sindh owed no loyalties to either and therefore had not to tender any resignation. Sir Saadulla of Assam, it was announced early in the episode, was resigning from the Defence Council as well as from the Premiership on account of ill-health. It was not, therefore, to be expected that these four statesmen could agree on any politics or in any pronouncements on the burning topics of the day. Close on the heels of Sir Sikandar's statement came that of Khan Bahadur Allah Bux from Simla dated October 4, 1941 in which he said:—

"If I understand Sir Sikandar Hyat, what he wants is not a repetition or reaffirmation but a fresh declaration that ultimately those elements who come forward to help in the defence of India or those who Sir Sikandar considers are 'friends' and not 'foes' should receive preferential treatment in settling the future constitution of India. This means that in the constitution envisaged by him, there will be no equality of rights and privileges for all. But those who help in the war effort now should have a preponderant voice. Such an attitude, to say the least, is most distressing to me."

Khan Bahadur Allah Buksh declared that instead of serving to help in the solution of the Indian problem, the Punjab Premier's attitude as revealed in his statement was bound to harm the cause of the country and add to the difficulties in the way of a solution.

"When I saw the Punjab Premier's statement of October 1," said the Sind Premier, "demanding a fresh declaration from Mr. Churchill, I put the question: 'if no such declaration is forthcoming in the terms prescribed by him, what is the Punjab Premier going to do?' I have seen the Punjab Premier's reply to my question. He says that if the declaration is not made, India should put up a united front.

"In his statement of October 1, the Punjab Premier suggested that India would be free, not by reason of the Satyagraha movement or the application of the Atlantic Charter but by reason of the valour and sacrifices of India's valiant fighting men in the different theatres of war. But he proceeded to express doubt whether even their sacrifices and valour would prove effective, if mutual confidence and inter-communal harmony were not established in the country.

"If these words of Sir Sikandar correctly expressed his convictions, then his duty is to bend all his energies to the establishment of mutual confidence and inter-communal harmony even now, without waiting for any declaration. Harmony and unity remain the supreme need in India, not because they are the solvent of India's difficulties, as the Punjab Premier himself admits.

"But personally I do not agree that Mr. Churchill's reference to India repudiates any previous declaration of the British Government. And if the fresh declaration that Sir Sikandar Hyat wants is that no repudiation of earlier declarations is intended, then I do not see any difficulty that the Government or Mr. Churchill can have in making such a declaration. But

many political leaders in India have expressed intense dissatisfaction with those same previous declarations of the British Government even though Sir Sikandar was not one of them. Then what is the object of asking for a repetition or reaffirmation of these statements?

"Sir Sikandar Hyat himself has made it perfectly clear that he is helping in the war effort as a Premier representing all classes and communities in the Punjab and not otherwise. Even then any benefit that comes from helping in the war effort should be free to be shared by all people in the Punjab and not by any one particular class or interest.

"Sir Sikandar knows that the difficulties in the way of the solution of India's problems arise from the existence of certain defects in the present constitution.

"He certainly does not wish these defects perpetuated but the demand he makes for the creation of a new privileged class will accentuate those defects and lead to a worse deadlock than has so far existed.

"I am quite clear in my mind that it will be wrong for the British Government to make the declaration that Sir Sikandar Hyat Khan wants them to make: that is to say, the declaration that certain elements in the country should receive preferential treatment. Such a declaration would frustrate the very object that Sir Sikandar Hyat Khan has before him, namely, the establishment of mutual confidence and communal harmony. Both the declaration and the attitude of mind which demand such a declaration can only result in the creation of bickering and ill-feeling between community and community and cause serious embarrassment to the British Government.

"The British Government have all along shown their anxiety that the various communities of India should come together. This end can only be fulfilled if the British Government resist every unreasonable demand advanced on behalf of any particular class or community, especially when made under threats that the party asserting it would otherwise join other elements. Every such suggestion that is accompanied by threats should not be welcomed by the Government, and they should not yield to such demands, so that the party making them would be given an opportunity of joining other parties and of thus proving the *bona fides* of the British Government. Any surrender on the part of the Government would confirm the charge that the British Government is interested in keeping the Indian communities divided and that in order to keep them divided it must at some time or other help one section of the body politic at the expense of all the others".

But the reply of Allah Bux evoked a ready rejoinder from Sir Sikandar:—

"I have seen the statement attributed to Khan Bahadur Allah Bux," said the Punjab Premier, "and I am sorry to notice that two distinct issues which I had stressed in my interview to the Press on 1st October should have been misinterpreted. The issues were simple and clear and I had, in the first place, asked for a fresh declaration, setting out in simple and unambiguous language, the future status of India, namely, free and equal partnership in the British Commonwealth within a specified period: and secondly, that the representatives of important interests in the country should be called upon to formulate an agreed constitution and, that if they fail to come to an agreement, the British Government should devise a constitution on the basis of free and equal partnership, "in collaboration with those elements who come forward to help in the defence of India."

Opinion in England showed that it was equally sensitive to Sir Sikandar's criticism and even showed itself as responsive. Mr. Edward Thompson to whom a reference is here made because his faith—as revealed to the Working Committee of the Congress soon after the outbreak of the war, in Churchill was unbounded, condemned the idea of demanding an agreement as a condition prerequisite to any further developments and added that it would never come. He demanded that the Viceroy's Cabinet should be a real Cabinet with collective responsibility and that a small committee should start work framing a Dominion Constitution immediately. He expressed the hope that " in the spirit of this generous offer, I believe that Congress could be persuaded to make such sweeping concessions to minorities that public opinion would make the continuation of the Congress-Muslim League quarrel impossible." Mr. Thompson concluded with an appeal that Mr. Churchill should speak to India on this basis as ' our equals and comrades '. If this is done, he added " our enemies in America and elsewhere could no longer use India to play havoc with our safety. Our cause would be the cleanest for which men have ever worked and died." Nor was the British Press silent.

There was quite a spate of British opinion against the policy of Britain in India. Mr. Duff Cooper, the Minister for the Far East, had during his tour in America in September 1941, a very unpleasant experience and wherever he spoke he was asked about India. At last, he was exasperated and said " what has England's war with Germany to do with India ? "

Just at this time, Col. Younghusband of ancient renown who then must be about ninety years old emerged from his well-earned repose to save Britain's soul even at the expense of losing India and in a powerful article (herein below extracted) pleaded India's cause with all the vehemence which his commanding and venerable position justified.

*The Times* (London, Oct. 15) published the following letter from Sir Francis Younghusband :

> " We have blundered badly in India. While we have expressed our intention to free every other country, we have made special reservations about liberating India. And this has caused deepest resentment among Muslims and Hindus alike. Why do we hesitate ? Because we fear that if we relax our hold India will fall to pieces. But why have such fear ? Indians are no fools. They have as much political and military sense as the Chinese, the Japanese and the Russians. And they are an exceedingly proud and sensitive people to whom it is galling beyond measure to be treated less liberally than we treat the Egyptians, the Syrians, the Arabs and the Abyssinians. It goes against the grain with Englishman to keep a single human being within the Empire who is not proud to belong to it. To myself personally, who was born in India and have for the last 59 years been closely connected with Indians, it comes as a bitter reproach that we should treat Indians as anything else than most loyal comrades and affectionate friends. Trust an Indian and he will stick to you until death. Offend an Indian and he will raise hell. Surely, we are great enough people to stop higgling over this matter and do the big and gracious thing—give them a definite promise that the very year after Armistice we will leave it to them to decide whether or not they wish to remain within the Empire. A hundred reasons may be given against this. But if there were a thousand, they should step aside by the single consideration : the good name

of England. It may "lose" us India, but we shall have gained our own soul. And the soul of England is worth many Indians."

Not an hour was lost in replying to the gallant Colonel's pleadings for India for "to leave it to Indians will be cowardice," said Sir Alfred Knox and the Tory diehard raised the trusteeship bogey.

Close on the heels of the unequivocal pronouncements in condemnation of British policy by a section of the British Press and British patriarchs came an added ray of hope, at any rate, of light, and an additional testimony not from India nor from Britain, but from the New World—the Western Hemisphere, one of those sons hastened to emancipate himself from the pseudo-service of Christ in order to serve the Master in Spirit and Truth.

Early in Oct. 1941, came the news of how Mr. Harold E. Buell, professor in the department of economics submitted his resignation as an instructor in the Lucknow Christian College and as a missionary of the Methodist Church. Mr. Buell requested that he be released from his duties here on December 1, that he may return to America.

It is stated he gave as his chief reason for resigning, his inability to keep the 'pledge' which is required of all foreign missionaries who come to India which involves doing nothing which may be interpreted as being in opposition to the British Government in India. He feels that to keep such a pledge would be to deny him the freedom and right to speak and act as his conscience dictates.

In submitting his resignation, Mr. Buell is understood to have said "Before the British Government would grant me permission entitling me to enter India as a missionary, I was required to sign a pledge that 'I hereby undertake to do nothing contrary to or in diminution of the legally-constituted Government in the country to which I am appointed. Two days before I left my home to come to India I was ordained as a minister of the Methodist Church at which time I made a pledge that I would be loyal to the principles and teachings of Christ, as my conscience revealed those principles and teachings to me. In these months since coming to India I have come to the conclusion that I must violate my pledge to God if I am to keep my pledge to the British Government. This I cannot do."

After stating that he is opposed to war in general and this war in particular, Mr. Buell proceeds:

'I must submit my resignation because it would be a violation of my conscience to remain in India and not speak out against the social, political and economic injustices in this land. In the 'social creed' of the Methodist Church appear these words 'we believe that to be silent in the face of need, injustice, and exploitation would be to deny Him. I cannot be silent in the face of the injustice of a conqueror, who claims to be fighting for 'the right of all peoples to choose the form of government under which they will live.' and at the same time holds in jails and concentration camps five thousand Indian leaders for the crime of attempting to exercise that right. I cannot be silent in the light of claims to be fighting against dictatorship and for democracy when I know that India is in bondage herself. I must as a decent human being protest against claims to a benevolent desire to rule India in the interest of the Indian people, when I know that after generations of being ruled thirty million people in India are hungry. I cannot remain silent in the face of the type of hypocrisy of those, who after having possessed most of the desirable and available territories including India, for exploitation, hold tightly to their gains and self-righteously announce that they now 'seek no aggrandizement territorial or other.' To be silent in the face of such

injustice and exploitation would be to deny Christ. The alternative for me is between keeping my pledge to the Government and thereby denying Him and leaving the country but remaining true to my highest ideals. And I choose Christ.'

While public opinion was thus shaping itself abroad and conscientious Americans were finding it hard to reconcile their missionary life in India which carried its political obligation, with the honest political conviction they entertained as human beings, here in our own country did it fall to our unfortunate lot to have to listen to statements emanating from the lips of some of the newly appointed members of the Viceroy's Council. In somewhat marked contrast with the earlier speeches of Sri N. R. Sarkar, came the utterances of Sri Madhavarao Aney who spoke of Swaraj in stages and of Dr. Raghavendra Rao who dwelt on the impossibility of framing a constitution at any time without prior agreement amongst the people of India.

Sir Feroz Khan Noon on his arrival in India struck a new note, though the refrain was old. ' It is Jinnah that can give Swaraj to Gandhi, and it is Gandhi that can give Pakistan to Jinnah.' Though as an epigram the statement looked fascinating, it did not take one out of the circle of the gin horse wherein it only goes round and round and never succeeds in cutting its way out.

All the while the one theme of Mr. Amery was that the Atlantic Charter covered only the vanquished countries in the war and that way, circumscribed the scope of a charter which affected to take its place only next to the great Magna Carta and the American Declaration of Independence. Not being content with that, Mr. Amery appeared to force the conviction into the minds of his slow-witted colleagues in Parliament that India was part of the Empire and a part could never claim to figure in world politics. Finally, Mr. Amery wanted to cajole the Indians into the fond belief that the Viceroy's August Charter offered to the unseeing Indians much more than the Atlantic Charter could. In effect then the Atlantic Charter would not apply because there was the Viceroy's offer and the Viceroy's offer would not work because there was no unity among Indians.

## II

Gandhi had a definite plan in inaugurating and developing the Individual Satyagraha Movement of 1940-41. That he should have taken over a year in reaching the decision to commence it, only shows how he had been struggling to avoid it. Equally were his intentions proved when at the other end, he persisted in the plan of undertaking a fast in order to avoid a struggle on a national scale. That the fast would have proved an event of international importance was quite possible but he wanted to avoid the embarrassment to the British in India arising from a Nation-wide campaign on a mass scale. Such a campaign would doubtless have its adverse repurcussions on the nation itself. The resultant of this parellelogram of forces had led the nation under his leadership into the campaign of Civil Disobedience Movement, which from the day it began, progressed steadily and according to plan. It was fortunate too for the nation that Gandhi was allowed to remain free,—free to control, direct and superintend the movement. It is true that all his *communiques* and statements to the Press were not allowed to be published in some provinces. It is true that Government declined to accord any favoured or preferential treatment to Gandhi's Weekly or to his personal statements and individual writings. For instance, his advice to the Satyagrahis to pay up their fines for National Government would return

every pie of them was published only in the *Nagapur Times* and as soon as it was published, its publication elsewhere in India was prohibited. Despite these disabilities, Gandhi was able to hold communion and correspondence with the provincial heads or agents, as they came to be called later on. Satyagrahis' lists were to be carefully prepared by the provinces with the aid of the districts and submitted to Gandhi, who went through hundreds of names from each province, categorically scored out certain names, called for fresh reports as regards others and admitted to the campaign people after the closest scrutiny. He was assisted throughout by the General Secretary, Sri J. B. Kripalani, besides his Secretary Sri Mahadev Desai. These two friends and Rajendra Babu were the three Congressmen, with whom Gandhi had opportunities of taking counsel constantly or at any rate frequently. Mahadev Desai and Kripalani were touring throughout India and subjecting local conditions in the various parts of the country to their personal scrutiny. In the provinces the heads of Congress organisations or agents were to appoint their successors, who took office only on approval by Gandhi. The police and jail authorities did not quite play the game. Complaints were received that prisoners who were allowed charkhas were not allowed slivers although spinning was a recognised jail industry. The 'C' class food continued to be as bad as ever before in the South. Lathi charges inside the jail took place off and on. The old Superintendents who were ill-qualified to look after the politicals continued to display their individual idiosyncrasies. A new departure was made in regard to the staff of the jails in South India where the Deputy Superintendents of Police, Anglo-Indian or European, were after a short training, without any previous experience of jail work, straightway drafted as Deputy Superintendents of Jails. The jail population began to swell with political detenus at first and although in the earlier months, they received allowances of Rs. 10 and Rs. 5, almost all of them were deprived of such allowance shortly afterwards. And on the top of it, they were divided into two classes, the first corresponding to the 'A' class, received rations worth Rs. 0-4-3 each, while the second corresponded to the 'C' class and had to carry on with Rs. 0-1-4 each. When representations failed to produce a result there were hunger strikes at places. The Provincial Governments became virtually branch post offices to the Government of India and were as helpless as the hierarchy of officials in the jails themselves. The Warder looked up to the Chief Warder, he looked to the Deputy Jailor, the Jailor looked up to the new Deputy Superintendent, and he in turn, to the Superintendent. The Superintendent looked up to the Inspector-General of Prisons and he in turn to the Chief Secretary. The Chief Secretary looked up to the Adviser and he in turn to the Governor. All looked up to the Government of India and that Government looked up heavenwards. It was extraordinary that simple matter could not be resolved by simple remedies. After all, the British Government is not as efficient as it claims to be. Letters in Jails were delivered with the utmost delay, sometimes after a month and they took equally long in travelling from jails to the homes of prisoners. The want of adequate arrangement for censoring was pleaded as an excuse. Excuses there could be in abundance, but they only help to make the life of a prisoner miserable and detract from the merit of efficiency claimed for the Government.

**Magistracy and Government.**

Government tried different policies at different times regarding the punishments meted out to Satyagrahis. At first, the sentences were severe

and fines were heavy. The campaign itself began with the glaring contrast between the sentence of Jawaharlal and that of Vinoba. The former being sixteen times as long as the latter. The fines in one province like the Andhra mounted up to (Total Rs. 1,18,969-12-0) in the aggregate.

A Press note sent from Wardhaganj, March 3, ran as follows :—

The total number of arrests in connection with the Individual Satyagraha Movement is 4,749 and the total amount of the fines imposed on Satyagrahis is Rs. 2,09,663, according to information received in the A.I.C.C. office from the various provinces. The totals do not include the arrests effected and fines imposed in the Punjab from where the figures have not yet been received.

This information is contained in a statement issued by the General Secretary of the All-India Congress Committee.

The United Provinces heads the list of arrests, the total number of persons arrested in the U. P. up to the middle of February being 1,495. Andhra heads the fines list, the total amount of fines imposed on Satyagrahis there being Rs. 76,533.

**Statistics.**

The following details of the arrests of and fines imposed on Satyagrahis in the various Provinces are issued by the A.I.C.C. office at Sewagram :—

| *Province* | *Arrests* | *Fines Rs.* |
|---|---|---|
| Ajmer | 10 | 565 |
| Andhra | 882 | 76,533 |
| Assam | 176 | 3,145 |
| Bengal | 39 | 3,625 |
| Bihar | 242 | 4,340 |
| Bombay | 47 | not received |
| Delhi | 39 | 2,050 |
| Gujarat | 296 | 6,150 |
| Karnatak | 210 | 5,385 |
| Kerala | 70 | 5,700 |
| Mahakoshal | 137 | 10,302 |
| Maharashtra | 221 | 1,915 |
| Nagpur | 21 | 5,215 |
| N. W. F. P. | 2 (now released) | nil |
| Tamil Nadu | 424 | 29,030 |
| United Provinces | 1,495 | 38,000 |
| Utkal | 315 | 9,532 |
| Vidarbha | 123 | 8,176 |
| | 4,749 | 209,663 |

Later the sentences were made materially short not exceeding two, three and four months. But when Satyagrahis came a second time, they tended to increase in length and in one case in South India where in the District of Coimbatore, a Satyagrahi was sentenced to six months for a speech which he delivered at a reception accorded to him on his release after serving of his sentence for Satyagraha. He was charged for the speech under the Defence of India Act and sentenced to six months for the enhancement of which the Government petitioned to the High Court.

Finally there was the eternal question awaiting solution at the hands of the Government, namely, the abolition of the classification of prisoners. A word may be added here regarding the conduct of the magistracy in the trial of prisoners. Mr. R. Galletti, I.C.S., Divisional Magistrate of Gudur, Nellore District, distinguished himself in this respect, not only by not merely stating

from the bench that it was wrong on the part of the police to prosecute the smaller fry, leaving alone the prime movers who were the arch conspirators who formulated and spread the movement but by joining public meetings and arguing out with the people the pros and cons of the movement. Here is one of the speeches of Mr. Galletti, young Civilian with a personality of his own bright, flashy and somewhat quixotic and the son of a distinguished ex-Civilian Cadilhac de Galletti, who was the author of a Telugu-English dictionary and who was a liberal-minded administrator.

Prefacing his address by saying that this was the first meeting in the whole of India when both parties were given an opportunity to express their views before the public and congratulating the president on the opportunity given to him, Mr. Galletti said that in this country there were very few opportunities for the expression of the views of both sides in public. He requested the people of Gudur (Nellore District) to acquire this habit of hearing both sides before coming to their judgment. He wanted to attend meetings at Sulurpet and Venkatagiri when Mr. B. Venkatanarayana Reddi and Mr. K. Shanmugan respectively offered Satyagraha in December last, but then he was busy. It was with a view to understanding their view point and to discussing questions with them that in his Court, he gave the Satyagrahis an opportunity to give out their ideas, but the prisoners refused to answer nor would they enter into a discussion in Court. The other day when Mr. Narasa Reddi took his trial before him, he said some hard words to him without any reply. He told him then, and would tell him now also, that he was prepared to apologise if he had uttered anything hard without any foundation, being misled by others. He was informed that subsequent to his discharge order, Mr. Gandhi to whose notice the judgment was taken, directed Mr. Reddi to spin for fifteen days and then offer Satyagraha. 'Was it not true' he asked. Mr. Narasa Reddi replied that Gandhi gave the instruction. He said that he did not mind the unhappy language used against him by the Magistrate, but felt deeply his attack on the leaders of the nation entitled to every respect. He was now spinning regularly. Continuing Mr. Galletti disputed the assertion of Mr. Reddi about spinning. Mr. Galletti proceeded to say that he would honour men of character though they were misguided and expose those to ridicule who lacked it. Speaking on the war effort in his division, Mr. Galletti assured himself that the Satyagrahis could not do anything 'prejudicial' in his division, even if Mr. Gandhi came and had his say. Mr. Galletti referred to some correspondence between Mr. E. E. Mack, District Judge, Nellore, and Mahatma Gandhi about the aims and objects of the Red Cross, in which Mahatmaji stated that there was no question of breach of discipline in Congressmen subscribing to the Red Cross. Gandhiji as everyone knew, would not, Mr. Galletti said, go out of his spiritual determination. He quoted the analogy of quakers who had conscientious objection to war, but at the same time came forward to the relief of the victims in war. The same was the view of Gandhiji. But what was the Provincial Congress Committee doing? There were a number of Congressmen who were angry with Gandhiji for giving the above opinion of Congressmen's participation in Red Cross work. There ware a few sincere Congressmen, but most lacked honesty. Many of them, including leaders like Maulana Azad and Mr. Rajagopalachariar were inconsistent.

Another interesting judgment by the same Magistrate was delivered on 5th September 1941, at Gudur while acquitting Mr. G. V. Subrahmanian:—

"The accused was arrested on 15th March last at Gudur at a public meeting and later his house was searched where certain leaflets preaching violence and sedition are stated to have been recovered. The police charged him

under the Defence of India Rules. The accused pleaded not guilty to the charge and denied possession of the literature. He said that he was a staunch Congressman and did not advocate or believe in violence. He examined some witnesses including Mr. V. Kothandarama Reddi, President, Nellore District Board and Congress dictator for Nellore District.

Acquitting the accused, Mr. Galletti in the course of his judgment observed that the accused was a victim of his own verbosity. He was down on the list of those who were to go to jail by their own choice and doubtless would, in due course, have suffered arrest and martyrdom gladly. The Station House Officer, Gudur, tactlessly arrested him after he had made one of the speeches instead of waiting till he himself was ready to shout 'slogans'—that word meaning here not as it originally meant a battle-cry, but a cry against battle designed to persuade his fellow countrymen that it was wrong to save their rights, their homes and themselves from military aggression by military defence. Being arrested, he would doubtless have gone to jail like his partners. In simplicity without saying anything for himself (that being, it seems, the only way to vindicate the right of freedom of speech when freedom of speech had never been denied): but a perverse fate moved the police to search his house where they found a quantity of books and leaflets glorifying violence inciting to revolution and condemning the Congress policy of non-violence as futile. It would never do for a leading Congressman of the place to go to jail as a Communist breathing fire and slaughter. So the accused had to exercise the freedom of speech which his colleagues had spurned. Curiously enough in the speech which occasioned his arrest, he rebuked the Court (Joint Magistrate, Gudur), for enquiring into the characters and histories of the Congressmen arraigned before it, but in defending himself, he found it desirable to give the Court much more information about himself, his life and his family than it had found it necessary to elicit about any of the others. "So the whirlgig of time brings its revenge, but it is rare for a Court to be able to answer its critics and even rarer for the answer to come from the critics' own mouth."

Proceeding, the Joint Magistrate observed that the evidence given by the S. H. O., Gudur, about the contents of the speech at the public meeting on 15th March, when the accused was arrested, did not justify a charge under the Defence Rules. "He seems to have reiterated the extremely foolish proposition which even Congress leaders have not been able to swallow, that the present war was no concern of the Indians. The accused asked the crowd to listen to the Satyagrahi of the day. As the crowd had already heard the slogans several times before, it made very little difference whether they listened or not. There was no evidence that the attitude of the public of Gudur was in any way affected by way of slackening of the war effort."

Dealing with three pamphlets found in accused's possession, the Magistrate observed that though objectionable and were the kind of literary muck that only the deluded victims of party propaganda would waste their time in reading, they were not to be classed as prejudicial reports under the Defence Rules. So he ordered their confiscation and did not frame any charge in respect of their possession.

By the beginning of March, the policy of not arresting Satyagrahis on their offer of Satyagraha became widespread and Gandhi who had first instructed non-arrested Satyagrahis to march to Delhi on foot carrying on anti-war propaganda on the way, permitted, however, in the first week of March, non-arrested Satyagrahis to carry on house to house, man to man,

propaganda in the villages of the District to which they belonged before starting the march to Delhi. His plan was that taluks should be selected in each district, where intensive propaganda was to be carried on in every village of the Tahasil, at every house and to every citizen. His whole idea and plan were limited to the securing of freedom of speech. His reply to the *Times of India* dated 15th February was a restatement of his case, both in regard to the objects and in regard to the plan of campaign,—in other words in relation both to the ends and means. Here is the letter to the *Times of India*:—

"Sir.—Your word to me written so earnestly in your issue of February 7 demands a reply.

In spite of your disbelief I must adhere to my faith in the possibility of most debased human nature to respond to non-violence. It is the essence of non-violence that it conquers all opposition. That I may not express myself that measure of non-violence and the rest may express less is highly probable. But I will not belittle the power of non-violence or distrust the Fuehrer's capacity to respond to true non-violence.

The illustrations you have cited in support of your disbelief are all unhappy because wholly inapplicable. A man is not necessarily non-violent because he lays down arms. The Czechs, the Danes, the Austrians, and the Poles may have all acted most wisely but certainly not non-violently. If they could put up successful armed resistance they would have done so and would have deserved well of their countrymen. Nor it is for me to blame them for submission when resistance became vain. It was, however, in order to meet such contingencies and in order to enrol even the physically weakest persons not to feel powerless against physically strong persons fully armed with modern weapons of destruction that Satyagraha was discovered and applied in South Africa in 1907. And it has since been successfully applied under varying and even baffling circumstances. You will please excuse me for refusing to draw a distinction in kind between the forces I have had to cope with hitherto and what I may have to cope with if the Fuehrer attacked India. The prospect of his killing every Satyagrahi causes neither terror nor despair. If India has to go through such a purgatory and if a fair number of Satyagrahis face the Fuehrer's army and die without malice in their breasts, it would be a new experience for him whether he responds or not, I am quite clear that these satyagrahis facing the army will go down to history as heroes and heroines at least equal to those of whom we learn in fables or cold history.

You are, however, on less weak ground when you doubt the honesty or non-violence of my companions. You are entitled to throw the Poona Resolution in my face. I have already confessed that the Poona Resolution would not have been passed but for my momentary weakness. As to the want of honesty or defective non-violence, I can only say that the future alone will show whether Satyagrahis were only so-called or as honest and true as human beings can be. I can only assert, every care has been taken in making the selection to ensure a fair standard to non-violence. I admit, however, that hypocrites have undoubtedly crept in. But I entertain the belief that the vast majority will be found to be true. The Congress President has been frank enough to define the limitations of his non-violence. But so far as I know his mind—and nobody does if I do not—his non-violence will be proof against any temptation within the limits defined by him. I should undertake to engage in non-violent resistance to the Fuehrer if I had

companions with the Maulana Saheb's circumscribed belief. Whether such non-violence can stand the test or not, is a moot question. I have achieved success till now with such material. You are incorrect in attributing to me a demand for unfettered liberty of the press or speech. What I have said is that there should be unfettered liberty provided that it is not inconsistent with non-violence. I am not aware.

That Congress Ministers' restrictive action went beyond the proviso. If it did, it was certainly against the declared Congress policy and can be no guide or criteria for me.

The unkindest cut is contained in the insinuation that my demand for free speech, subject to the proviso mentioned, was "A device for squeezing political concessions from the British." There would be nothing politically wrong if political concessions were demanded even at the point of Civil Disobedience. But it is a matter of public knowledge that the Poona Resolution has lapsed. And in so far as I am concerned, it remains lapsed so long as the war lasts.

Civil Disobedience would certainly be withdrawn if free speech is genuinely recognised and the *status quo* restored.

I have never estimated during previous movements that they were likely to be long drawn out. But I have done so this time because I believe that there can be no settlement with the Congress, short of Complete Independence during the pendency of the war, for the simple reason that the Congress cannot commit itself to active help in war with men and money. That would mean a reversal of the policy of non-violence which the Congress has pursued for the last twenty years. And independence cannot come through any settlement while the war lasts. Therefore, so far as I know, the Congress will be satisfied with the fullest freedom to grow in non-violence. The Congress demand concerns all persons and parties.

You ask me in the face of all these facts whether it is "fair or morally right to pursue his (my) present campaign." You have answered the question yourself in the negative. But I may not accept your answer. In the first place, as shown above, I do not subscribe to your facts. Secondly, to accept your answer will be to declare my utter insolvency. I would be untrue to the faith I have unwaveringly held now for nearly half a century in the efficacy of non-violence. I may seemingly fail, but even at the risk of being completely misunderstood. I must live and act according to my faith and believe that I am serving India, Britain and humanity. I do not wish well to India at the expense of Britain as I do not wish well to Britain at the expense of Germany. Hitlers will come and go. Those who believe that when the Fuehrer dies or is defeated, his spirit will die, err grievously. What matters is how we react to such a spirit—violently or non violently. If we react violently, we feed that evil spirit. If we act nonviolently we sterilise it."

Gandhi's instructions were always available and he had his fingers constantly on the pulse of the movement. Sundays were declared as holidays and when Christmas supervened, the Satyagraha was suspended from December 23rd to January 4th, both days inclusive, and the 5th of January was a Sunday. From the beginning of February there were rumours that Gandhi might be arrested. Provincial Governors, one after another, visited the Viceroy early in the new year (1941) and there appeared to be good basis

for the reports that they were being sounded not merely personally during the visits but even earlier on the advisibility or otherwise of Gandhi being arrested. But apparently the Government did not want to commit such a folly, at any rate, so long as Gandhi himself did not participate in anti-war activities. What a contrast, between the opinions and the views of Mr. Galletti, the Magistrate referred to earlier and of the Government of India. The campaign of Satyagraha was subjected to strict scrutiny from time to time. So early as in January, 1941 Gandhi strictly warned the representatives that went to Wardha to make sure that each person whose selection they had endorsed was not only spinning, but spinning with all his heart in it and was able to say how much each was spinning of what count and so on. Some persons who went to him stated that they could not themselves vouch for the fact that the men in the lists were spinning and one of them for himself answered that he knew spinning.

"But how much do you spin?"

"Five or ten yards."

"Five or ten yards for a day or a week or a month?" asked Gandhi.

"Not every day" was the reply.

Evidently, the whole thing could not bear further scrutiny.

On the question of non-violence, it was made plain that the Bombay Resolution of September, 1940 spoke of firmly believing in the policy and practice of non-violence not only in the struggle for Swaraj but also in so far as this may be possible application in Free India. It is the crisis in the present war that compelled us to think in terms of the future. In terms not only of winning Swaraj but of retaining Swaraj and the Bombay Resolution was a logical advance on the original position. By the beginning of June 1941, the second phase of Satyagraha was over and it was time to take stock of the situation. Here is a short summary of the second phase up to the 1st of June by Mahadev Desai in so far as Satyagraha movement was concerned other than the Constructive Programme:—

"The second phase of Satyagraha is over and we may well take stock of the situation. The movement by its very nature precludes calculation or material result for its immediate objective is vindication of an elementary right which we achieve either by a free exercise of it or by courting imprisonment is the process. In the North West Frontier Province the liberty is said to have been won, though the Government have not declared freedom of speech and pen. They simply do not arrest the Satyagrahis there, for it pays them not to do so. But our taking stock must not mean examination of what Governments are doing or not doing. We have to examine whether we have been acquitting ourselves of our task. The movement is part of the fight for independence and, therefore, one of steady growth in us of truth, non-violence and self-purification.

There are the Delhi marchers or those who are not arrested. These easily number a few thousands. Some of them have covered themselves with glory. I have in mind Shrimati Damayanti Dhramadhikari and Shrimati Saryutai Dhotre who carried the message of Satyagraha and Constructive Programme to over eighty villages. Street cleaning, visit to the Harijan quarters, congregational spinning and an evening of meeting—this used to be their daily programme. Their tour was so effective that three temples were thrown open to the Harijans and an atmosphere of spinning and Khadi was created wherever they went. Shrimati Prabhawati Jakatdar, the daughter-in-law of the veteran Satyagrahi Jakatdar, who paid heavy fines

six times and earned six months' imprisonment at last, is following in these two sisters' footsteps. The two are now having their well-earned rest in Nagpur Jail.

The work before these Delhi marchers is as interesting as it is difficult. In the Bengal villages a Satyagrahi had to go without food for several days because the villagers were afraid of entertaining a Satyagrahi, but his patience and perseverance converted a zamindar who undertook to see that he did not have to go without food wherever he went. Hundreds of Satyagrahis in Andhra and Tamil Nad are having an experience of their lives. They get rousing welcomes and first-hand experiences of war exactions.

There are all kinds of reports—good and bad and indifferent—about these marches. We have had letters that some of these marchers make thoughtless speeches and the C. P. Government have come out with allegations against some of the C. P. Satyagrahis that they are responsible for circulating false and mischievous rumours. We are having these complaints looked into and we should be sorry if they were found to be true. Many of these Satyagrahis, stalwart and true as they are, are drawn from the villages and have admittedly not much literary education. Such people should make no speeches and concentrate exclusively on constructive work. And none should venture out of his province unless and until he has a passable knowledge of Hindustani. Many of these, however 'obscure', have set out with a determination to bear all and stop not till the goal is reached.

Cases of this kind can be multiplied. But simple quiet determination to march to Delhi is not enough. As I have said, several hundred of these marchers have not been arrested. There are lists of thousands of Satyagrahis awaiting approval. The question is, is it fair to approve these lists and put the burden of so many more Satyagrahis on the villages? It is, therefore, decided to approve no more lists in such areas until the marching Satyagrahis are accounted for. There are areas where communal disturbances have occurred. Nowhere have these disturbances had any connection with Satyagraha, thanks to its rigidly individual character. But it would be absurd even for individuals to offer Satyagraha where panic prevails or peace is daily being threatened. The Satyagrahi's duty is to infuse courage into the hearts of men, and to make himself available wherever there is a disturbance or threat of a disturbance.

In disturbed areas there is work cut out both for the Satyagrahis and for would-be Satyagrahis. In other areas—especially where there are numerous unarrested Satyagrahis marching through the province—would-be Satyagrahis have to pass through a stiff fast before they are approved as Satyagrahis. They will bury themselves in villages, maintain a regular log book which will contain every detail of their work—street cleaning, visit to Harijan quarters dissuading people from going near toddy-shops, congregational spinning, doing some concrete work to promote Hindu-Muslim unity, helping in quelling a riot, and so on. If all the would-be Satyagrahis could thus give a good account of their time then it is likely they would be arrested even before they offer Satyagraha. They may be 'obscure', according to Government's definition of the term, but Government will have to revise their definition as soon as our friends make themselves felt with their work.

In U. P. for instance, it is not only the Satyagrahis who are arrested, but even those who are purely constructive workers. I have already mentioned Shri Dhiran Mazumdar. Another is Shri Maithilisharan Gupta, the well-known Hindi poet who has been arrested for Heaven knows what—but his friends and relatives assume that he is arrested as he conducts a Charkha class in his house.

The movement is not designed to work a miracle. It can cause no disturbance. Ignorant or interested critics have attributed the riots to Satyagraha. But in no single case had they any connection, direct or indirect, with Satyagraha. If it succeeds it will benefit both Congressmen and non-Congressmen. If it fails, which it will not, it will hurt only Congressmen and no others, if voluntary suffering can be described as a hurt.

It may be remembered that the Punjab bar patriotically took up the honourable role of '*amicus curiae*' and decided to bring before their High Court, for revision, cases of Satyagrahis in which in their opinion, obvious injustice had been done."

New restrictions became necessary under changed conditions in the interest of the struggle and Acharya Kripalani, General Secretary of the A. I. C. C., issued on June 17th, 1941 following instructions for the guidance of Satyagrahis and Congress Committees after consultation with Mahatma Gandhi :—

(1) A released Satyagrahi must seek to offer Satyagraha as soon as possible. If for any reason he is unable to do so he must apply through the President or officer in charge of the P. C. C. for exemption from Mahatma Gandhi and he should state the reasons for such exemption being granted.

(2) From the date on which the name of a prospective Satyagrahi is forwarded to Mahatma Gandhi for sanction, he is to suspend his private activities and devote himself wholly to working out one or more items of the following thirteen-fold items of the Constructive Programme :—

(A) Hindu-Muslim or Communal Unity. (B) Removal of Untouchability. (C) Prohibition. (D) Khadi. (E) Other village industries. (F) Village Sanitation. (G) New or Basic Education (H) Adult education. (I) Uplift of women. (J) Education in hygiene and health. (K) The Propagation of Rashtrabhasha. (L) Cultivating love of one's own language. (M) Working for economic equality.

(3) Every prospective Satyagrahi is expected to keep a diary in which he will enter the work done by him during the day and this diary will be submitted to the P.C.C. concerned at fortnightly intervals. Permission to offer Satyagraha shall be granted only to such workers who have proved their worth by their every-day work.

(4) The new restrictions in passing lists of Satyagrahis are considered necessary in the interest of the struggle as it is likely to develop in future and will become progressively more arduous. New Satyagrahis that come in should, therefore, be such as can stand the new test. Complaints have been received in the office of undue delay in passing names. Those who have given their names need not, however, feel impatient at the delay. They should devote the interval to carrying out the Constructive Programme.

If any Satyagrahi who has enrolled himself on the original basis feels unable to accept the new terms he is free to withdraw his name and there will be no disgrace attached to any such withdrawal. He may continue to render whatever other service he can to the country. He remains Congressman as before.

(5) Enrolled Satyagrahis cannot contest elections to the local bodies. Those who have put in their candidature for such elections before being enlisted as Satyagrahis, have either to withdraw from the election or from offering Satyagraha. As Satyagrahis they cannot be in both places.

(6) No released Satyagrahi who is a member of a Local Board, unless specially exempted by Mahatma Gandhi, can attend its meeting. If he does, his name will be expunged from the list of Satyagrahis.

(7) Unarrested Satyagrahis who are touring in their districts and those whose names have been approved are not to attend meetings of local bodies.

(8) During the monsoons a Satyagrahi may, if necessary, establish himself in a village, not his own, or group of villages and carry on Satyagraha and constructive activities.

(9) Unarrested Satyagrahis who either touring in their districts or marching in the direction of Delhi, should send fortnightly reports of their work to the provincial office. The Provincial Congress Committees in turn will send a consolidated report of their work to the All-India Congress Committee office at stated intervals, fortnightly or monthly.

(10) Complaints have been received about the intemperance of language of certain Satyagrahis. Satyagrahis should know that vituperation and abuse are against both the spirit and letter of Satyagraha and must, therefore, be invariably avoided".

Gandhi's strict and severe instructions were resented in the middle of July by Dr. Satyapal of Lahore who said he was "extremely disappointed with the inactivity and inertia that dominates the Congress policy at the present moment." He examined the two dangers to India, namely, internal security and foreign invasion and after criticising Gandhi's formula as being one that "is to get inside or get out" and citing instances of treatment meted out to Sjt. Subhas Chandra Bose and M. N. Roy as conclusive evidence on this point and after asserting that "my loyalty to the Congress admits of not the slightest change. I am steadfast in my relation to the Congress." He stated that he offered his services to the Government "as a token of our helping the British so that we may be saved from the evil fate of a foreign invasion." He combatted the view that he was co-operating with the Government, for his offer did not at all concern the day-to-day administration of India. Then he categorically recited in an ironical tone a number of cases, which he considered to be breaches of non-cooperation and yet which were being practiced by certain leaders of Satyagraha Movement in the Punjab. He stated that he was not a Satyagrahi and had no faith in this movement. But he could quite appreciate a mass movement to force the issue of Swaraj. With these words, this ex-member of the Working Committee resigned his membership of the Congress on 14th of July. A week later, the Working Committee of the All-India Forward Bloc met and passed a number of resolutions touching Satyagraha Movement, non-violence as enunciated by Mahatma Gandhi, the war situation and political prisoners.

> "While strongly condemning the policy of the Government in dealing with Satyagrahis, the Committee declares that it has no faith in the utility of the Satyagraha movement as at present conducted by Mahatma Gandhi. The Forward Bloc strictly adheres to the Congress creed which aims at achieving Swaraj by all legitimate and peaceful means. The Committee advises Congressmen who differ from Mahatma Gandhi not to resign from the Congress but remain within it and by fearless agitation purify it.

The Committee also favours formation of National Defence Brigades all over the country with the two-fold object of quelling internal disorder and defending the country against external aggression. The Committee pleads for removal of restrictions placed on use of arms by Indians under the Arms Act."

**Local Bodies**

While the movement was going on briskly, difficult situations developed themselves outside jails. The anti-war Satyagraha of 1940-41 was peculiar in that Ministers jumped from their Secretariat to the Prison House. And in the hierarchy of Congressmen that leapt to power were able and true men who had suffered much and served long and who had been called to various positions of responsibility particularly in the Local Bodies. It is obviously unthinkable that in provinces as big and as populous as Great Britain, there should be Provincial Autonomy at one end and the Local Bodies be allowed to be manned by politicians of the opposite persuasion to those that filled the Ministries. Accordingly when the Satyagraha Movement was inaugurated, it was found that twenty-four out of twenty-six District Boards in South India were under the headships of Congressmen, while over three-fourths of the Municipalities in the Madras Presidency were likewise manned by Congressmen. The question of withdrawing the Presidents and the Councillors had been debated at Ramgarh and decided in the negative. As the war effort became more and more intensive, two circumstances happened. One was that the pressure of Government increased for the voting of grants from Local Funds in aid of war effort and in the way of the investment of Local Funds in War Bonds. The second was that under this pressure, the weaker vessels began to give way and it became necessary to call off Congressmen from bodies which had voted funds in aid of war. This led to bickerings amongst Congress members of Local Bodies nor could it be said that even apart from Governmental pressure and consequent fissions and fissures, the natural weakness of greed and intrigue had their way as well. The totality of effect was altogether disturbing. In Madras, it was noticed that according to the prevailing Law at the beginning of the movement that while members of Local Bodies could be restored to their seats every three months, the Presidentship of a District Board and Chairmanship of a Municipality could not be so sustained indefinitely. But a fine distinction came into being as to whether those that were imprisoned committed a voluntary act of absence from meetings. There were too the Detenus whose cases were still more doubtful. Government in Madras consulted the Advocate-General and were advised that the members would not forfeit their membership. While opinion stood thus, fifteen vacancies arose in the Madras Corporation owing to the resignation of fifteen members because of the grant of Rs. 10,000 by the Corporation in aid of war. There were also some cases of members in Jail. Just at this juncture, the Madras Government modified its earlier G. O. and stated that the question whether vacancies arose or not for people going to jails or being detained was one which had to be individually decided by a judicial tribunal and that members concerned should place their cases before a District Judge. This created a further doubt whether the elections held prior to the first G. O. were valid, whether elections should have been held between the first and the second G. O. and finally what was the position pending reference to the Judges who for aught one knew might give differing judgments in different districts. While matters stood thus, in the Southern Presidency, in the North, affairs in Bihar almost reached a crisis which led Gandhi in consultation th Rajendra Babu to decide and demand that

Congressmen should resign from Local Bodies. In the meantime, Government passed the following G. O. which amply justified Gandhi's decision:—

"By an Amendment of the Defence of India Rules power is taken to require Local Authorities to take precautionary measures. It is notified that "the appropriate Government may by order require any local authority to take, within such period as may be specified in the Order, such measures as may be so specified, being measures which are in the opinion of that Government necessary for the protection of persons and property under the control or within the jurisdiction of such authority from injury or damage, or for ensuring the due maintenance of the vital services of the authority, in the event of hostile attack and thereupon—

(*a*) It shall be the duty of the Local Authority to comply with the Order.

(*b*) The funds of the Local Authority shall be applicable to the payment of the charges and expenses incidental to such compliance.

(*c*) Priority shall be given to such compliance over all other duties and obligations of the Local Authority.

In the opinion of the appropriate Government any Local Authority which has been ordered to take any measures has failed to take or is unlikely to complete the measures within the period specified in the Order, then, without prejudice to any other proceedings which may be taken in respect of the contravention of the Order the appropriate Government may cause the said measures to be taken or completed and direct that the cost thereof shall be defrayed out of the funds of the Local Authority.

The appropriate authority here means in relation to cantonment authorities and in relation to port authorities, in major ports the Central Government and in relation to other Local Authorities the Provincial Government'.'

In a great movement like the Satyagraha, nation-wide in extent, fundamental in character, it may not be a matter for wonder,—though it is none the less one for condemnation that undesirable offshoots spring up from time to time. One such was the desire of people to fly a national flag at religious festivals and on temples.

Gandhi in a letter to the Secretary 'Shimoga Hindu Mahasabha' regarding the 'National' and 'Hindu' flag question, said :—

" Dear Secretary,

> I have known the National Flag used in Ganapati procession. It is wrong to use the National Flag on temples. The Congress is a national organization in that it is open to all without distinction of race or creed. The Congress has as much or as little to do with Hindu festivals as with any other."

Repeated announcements were made in the Press of Gandhi's satisfaction over the even progress of the Satyagraha Movement. Sri Kripalani, the General Secretary was often the mouthpiece of Gandhi and he was keeping the outside world in close touch with Gandhi's reactions to every little event that had the remotest bearings on the movement.

Gandhi was impartial in his distribution of compliments as between Government and the people, and equally so in the apportionment of reprimands. Gandhi took Government severely to task for having prevented Miss Khurshid Naoroji from going to Wardha to meet him. The full details of her case are given elsewhere and on August 14th within a week of Gandhi's trenchant criticism she was released.

Sometimes, humiliating restrictions were imposed on Congressmen and on one occasion, Gandhi's advice to disregard the order was couched in no uncertain terms.

The following letter was received by Mr. Iqbal Krishna Kapoor from Gandhi from Sevagram, dated September 15 :—

> " Dear Kapoor, I think your case is clear. The order is humiliating. You will disregard it not as a Satyagrahi under the struggle but as an individual who values his self-respect above so-called freedom. Therefore, no general instruction is necessary. Yours sincerely, M. K. Gandhi."

It may be recalled that Mr. Iqbal Krishna Kapoor was released from the district of Cawnpore on September 6, after two months' detention under Rule 129 of the Defence of India Rules. He was served at the time of his release with a notice on behalf of the Chief Secretary of the U. P. Government imposing certain conditions namely restricting his movements within the limits of the Kotwali police station, requiring him to attend in person the Kotwali police station once a week to report his presence and requiring him to refrain from the Congress activities in connection with the Satyagraha Movement.

Mr. Kapoor was not a Satyagrahi and was generally keeping himself aloof from the Congress activities. Recently, however, he had taken interest in the constructive activities of the Congress which led to his detention for two months. He had written to Gandhi, seeking his guidance in the matter of restrictions imposed on him.

* * * *

It is curious how some of the Satyagrahis who had given notice and offered Satyagraha in terms of Gandhi's method and were convicted were treated as detenus on their release at the end of their terms of imprisonment for reasons best known to Government. At first, the detenus of South India were all grouped under one class. But about the middle of 1941, they were divided into two classes,—A & B, the former being allowed Re. 0-4-3 and the latter about Re. 0-1-7 *i.e.* the rations of the A and C class prisoners more correctly. There was a hunger strike at Vellore consequent upon this division. Moreover, the detenus who were at first invariably getting allowances of Rs. 10 and Rs. 5 per mensem were deprived of it. Out of 150 detenus at Vellore, only three or four were getting any allowance and that too, meagre sums ranging between Rs. 7 and 10. One detenu had Rs. 35 while another who had luckily two wives got Rs. 10 for the first wife and Rs. 5 for the second. When on the top of this, the classification was made and the two classes were divided, there was considerable discontent and the hunger strike of about eighty detenus belonging to both classes began on May 5, 1941 and ended unconditionally on 22nd after 17 days. But a message had reached them earlier that even prior to the commencement of the hunger strike the Madras Government had addressed the Government of India on the subject. The position of the Madras Government was unenviable. They were asked to arrest workers, detain them and maintain Law and Order. A classification was adopted without their knowledge and they were made heirs to the follies of the Central Government. It was no wonder that they themselves should have resented the attitude and the acts of the Central Government. Any way, some time after, it was announced that the 2nd Division Detenus would get Re. 0-4-0 and the 1st Division

Re. 0-8-0 per diem towards food. Of course, it was open to them to supplement their food by Rs. 5 and 10 respectively. But where was the money to come from? Most of the detenus were workers, many earning by the sweat of their brow, a good number engaged in Labour organizations and Labour was red rag to the Bull. Any one, however remotely connected with labour was arrested and detained and in the case of Satyagrahis who were rearrested on release, Labour connection was not seldom the real element of consideration. It did not matter whether it was railway or steamship, whether it was workshop or dockyard, whether it was mill or factory, whether it was sugar or cloth, whether it was machinery or handi-craft, in the end whether it was *pan* or *beedi*, labour was in the eye of Government labour and would lend itself to underground work. At the end of two years of the war, there were still a number of underground workers who were wanted, while some cases occurred of those wanted men who were apprehended and detained, escaping from jail along with ordinary detenus. Four of these escaped from Bellary and five from Vellore. While these were the woes of detenus in the South, those in the west of India fared no better, perhaps worse.

## CHAPTER XII

### Satyagraha and after

October 17th 1941 marked the first anniversary of the inauguration of the compaign of limited Satyagraha open only to those whose names had been individually and after due scrutiny approved of by the Generalissimo, Gandhi, for the set purpose of vindicating freedom of speech as embodied on a pledge signed to the Congress, a notification to the Magistrate and a declaration of faith regarding non-participation in war effort made to the public at a place and time already intimated to the Police or the Magistracy or both. The progress of the movement was not to be measured by numbers. The world is well aware how the Satyagraha Campaign of 1921 saw 30,000 prisoners in jails, of 1930, 60,000 and of 1932-33, 120,000. This campaign was not of the series, nor was its success or progress intended to be measured by calculations of arithmetical or geometrical progression. Repeatedly had the General avowed his conviction and his belief in the unqualified success of his campaign and his latest pronouncement is herein embodied in which Gandhiji stated how he was quite satisfied with Satyagraha and there arose "no question of retracing steps nor of increase of pace just yet."

At Sevagram on the 12th October, 1941, when about three crores yards of yarn and a purse of Rs. 12,000 were presented to Gandhi as a birthday gift, Gandhi addressed the gathering for about 45 minutes. During the address, he said :—

"I had always believed that the country's faith in the utility of Khaddar will increase with experience, but incorrigible optimist as I am,—even I was not prepared for the response that I have got this year from all parts of the country and more particularly from the jails. This unexpected response has confirmed me in the hope that the cause for which we stand is bound to triumph. In a letter to the well-known Hindi poet Maithilisharan Gupta, I have written that with every yard of yarn that he and his co-prisoners in jail have spun, they have brought Swaraj nearer.

This is not mere rhetoric. I mean what I say. For, to me Swaraj means Swaraj for the masses.

It does not mean merely an Indian autocracy in place of White autocracy. According to my definition of Swaraj, even the poorest Indian should get enough milk, ghee, vegetable and fruit. Every man and woman should be able to get a balanced diet and a decent house. It is this Swaraj of which I was thinking when I wrote that letter.

The accounts that I have received from jails in all provinces have filled my heart with joy. If my information is correct even communist friends in jail are taking to the Charkha kindly. I have given you all these details because some people constantly keep asking me of what avail will the present struggle be. It is making no impression on the Government.

My answer is, that I am quite satisfied with the present pace of the movement. I do not want to increase its pace just yet. Not that it will never increase but it will develop along its own line according to the law of non-violence. If people want miracle to happen immediately, it is not possible. Non-violence is an attribute of the Almighty whose ways of fulfilling Himself are inscrutable.

It is repeated time and again that England's difficulty is our best opportunity. Let me tell you that the Bombay Resolution of the A. I. C. C. precludes any such policy. How can we swear by non-violence and embarrass England in the hour of her difficulty? The resolutions of the Congress are responsible utterances of an organisation which does not want to bluff the world.

This is not the occasion when I could explain to you how non-violence is bound to triumph ultimately. Perhaps I may not be able to explain it to your satisfaction but I can certainly tell you how non-violence works and that is why we can never entertain the idea of embarrassing the Government at this juncture.

They say undesirable people have got into the movement. I know that there is no province where undesirable people have not gone to jail but I also know that in each and every province people after my heart have also gone to jail. Even if this handful of men remain true to their creed we are bound to succeed but the essential condition for success is the fulfilment of the thirteen-fold Constructive Programme.

Khadi, as I am never tired of repeating, is the central item of that programme. If a Congressman does not believe in Khadi, if he observes untouchability in his private life, if he hates people belonging to other religions he is not fit to be a Satyagrahi. His going to jail is of as little consequence as the jail going of thieves and robbers. Civil Disobedience is no doubt a great and powerful weapon but we cannot wield it effectively unless the nation works out the Constructive Programme.

Those who have gone to jail once ought to go again and again. There can be no question of retracing our steps. This is not to say that we shall not use our discretion in this matter.

There may be cases in which we may have to make exceptions. If a Satyagrahi, in spite of his best efforts, cannot keep his body in fit condition, I cannot allow him to court imprisonment again. Then there are unforeseen circumstances in which an exception has got to be made. We should use our discretion in this respect but the general policy is clear. Every Satyagrahi should, as a general rule, go to jail again and again without unnecessary delay.

Now I must tell you how I am going to use the money that you have presented to me on behalf of the three provinces. It goes without saying that the money will be used for the cause of khaddar. I cannot use it for any other purpose. I and Shri Jajuji will welcome any suggestions that you may have to make jointly or severally regarding the best way in which the money would be used for the cause of khaddar in your respective provinces. We will give the suggestions our best considerations.

Let me remind you in fine that a non-violent struggle is a struggle of suffering and sacrifice. In the violent diabolical warfare that is going on in Europe, people have to undergo unwillingly untold suffering. There is no occasion for suffering on that scale in our struggle. Here we are expected only to court imprisonment repeatedly. If we cannot rise equal even to the little suffering required of us all talk of Swaraj is futile."

The anniversary of the movement was important not so much for the sentiment its celebration was calculated to rouse but in a more mechanical sense for the fact of a number of important leaders emerging from their enforced rest in His Majesty's lodgings where they had been maintained

for well nigh a year on four annas a day. By the 19th of October, when a good number of leaders met at Wardha, there were eleven members of the Working Committee free. While no group endorsed the attitude and action of Government, the groups differed one from the other in respect of the reasons for which they had on the one hand silent sympathy with the general attitude of manliness and self respect of the Congress and on the other, of the particular remedies proposed by them to resolve the deadlock. Some would have a wholly Indian Executive Council, others the same owing joint responsibility to the Crown and the Viceroy. The Non Party Leaders under the leadership of Dr. Sapru took a composite view and demanded in addition to the aforesaid change, a declaration of Dominion Status within a stated time-limit of the termination of the war. The unattached leaders were never tired of suggesting to Gandhi the desirability of withdrawing the Sathyagraha Movement. The Muslim League, took a line all its own and brought in the question of Pakistan pending decision on which question, recommended non-participation in war effort, in the Executive Council at the Centre, or the National Defence Council. While it placed no embargo upon Muslim Premiers offering full co-operation in war effort in their respective provinces, it objected to their joining the Defence Council over the head of their President and the Executive of the League.

The Muslims, however, were undoubtedly smarting under the insult to Islam which began with the occupation of Syria by England and culminated in the ejection of the Shah of Persia, Reza Khan Pehalvi and the virtual occupation of Persia once again as up to 1919—of the South by England and of the North by Russia. Further the Muslim feelings were greatly estranged by the Bombay Resolution of the League Executive regarding Iran not finding publicity presumably because it was thought to offend against the Defence of India Rules. And what exactly the League should do in respect of the Session of the Central Assembly which was to open on the 26th October, was the topic that greatly intrigued the public at the time. The Shah's Abdication message has a pathetic interest to us in India and is reproduced below :—

> " I have very little energy left in me and I have grown weak. I think it is high time that the affairs of the country which require constant supervision were attended to by a fresher energy and younger constitution in order to bring contentment and happiness to the nation. I have, therefore, abdicated in favour of my heir and successor as from September 16, 1941. The whole nation, including the civil and military forces, should recognise my legal heir and successor as King and whatever they have been doing for me in the interests of the country should henceforth be done for him."

The Moderates were content with pious and powerful expression of opinions on individual events but undertook or suggested no composite plan of cure for the disease and distemper as a whole. Then there were the Communist party,—individual Communists—not members of the party, the Socialist party, the Forward Bloc, the Kisans who had little time to express their opinions nor would express them publicly, but some of whom went underground and all of whom were ill disposed towards Britain. When on the 22nd of June 1941, Germany began the invasion of Russia, a new outlook opened out before them. The question was seriously debated as to whether there should not be a change in their attitude to war. Some

advocated an immediate and wholesale reversal thereof and an active and aggressive participation in war effort. Others recommended all aid to Russia and none to Britain. The All-India Kisan Sabha advocated as much help to "Our Fatherland" as possible but regretted the helpless position in which India found herself placed which made impossible the rendering of any tangible aid. Why not then send a red cross ambulance corps? Parties were formed to tour the country to propagandise and collect help for Russia. They thought the help to Russia was compatible with hostility to Britain when both the Nations had entered on the 12th July, 1941 into an agreement of mutual help and no individual or separate peace with Germany. In any case this warmth of talk and struggle for rendering aid to Russia soon subsided, particularly on account of the cold douche thrown on the question of India's destiny by Mr. Amery, and through debates in Jails in which the changed war situation was keenly discussed showing the close cleavage of opinion on the question of aid to Russia, it soon lost edge and interest. The rapid decline in the fortunes of Russia, the provoking apathy of Britain in the matter, the long delay in the Moscow Conference after the Atlantic Meeting of President and Premier, the grossly commercial view characterizing every word and act of the United States, above all the quiet acceptance of the Atlantic Charter by Maisky speaking for Russia even after Churchill had repudiated its applicability to India without a word of demur,—all showed how sad and how hopeless became the position of Russia, how she was fed on hopes which were never fulfilled and how she was prepared to sacrifice herself heroically rather than bend before the enemy." Thus the Communist elements, the Forward Bloc and the leftists so-called were driven from pillar to post in their feelings and affections. The Sikhs of course offered help, recruits and blood and so the Hindu Maha Sabha. And in the midst of these conflicts and confabulations lay the Congress, serene, undisturbed in her programme, confident of the correctness of its decisions not to offer aid in war effort but equally, not to embarrass Britain in any manner. The vulgar thought of exploiting the distress of the enemy was abhorrent to the principles of Satyagraha. The flamboyant talks of sweeping the enemy by Mass Satyagraha were alien to Gandhi's convictions.

At this stage certain irrepressible forces seeking a change in the programme, rushed to the front. The Deputy Leader and the Secretary of the Congress party in the Assembly thought that members of the Central Assembly should be permitted to attend the ensuing session, more particularly because the Indo-Burman and the Indo-Ceylonese emigration proposals were ripe for discussion and in their draft, they were reactionary and retrograde in character. If for nothing else, the members might attend, they argued, for a day to retain their seats in the seventh year of their term which was originally three years and which had been extended from year to year on four occasions. Some appeared to have recommended to Gandhi the desirability of the Central Assembly members resigning and contesting on the war issue in order to prove the hold of the Congress on the electorate. This had really been admitted earlier by Mr. Amery in the debates in the Commons over the question of prolonging the term of the Provincial Legislatures, where he said that "he did not want the elections which would only afford an opportunity for ventilating Gandhi's policy of negation without any prospect of returning to Constitutional Government after these elections." That was not all. There was a plan on the part of Amery—doubtless under the instigation of the British Cabinet, to alter the whole character of the

Indian Constitution and to that end Amery made his appeal to the youth of Indian Universities to recaste the constitution on new lines.

It was under these circumstances that fresh talks began at Wardha. The setting of the war was none too favourable for these deliberations. The gates of Moscow were threatened by the enemy and the embassies in Russia shifted from Moscow already to a place far away to its east. The capital itself shifted to Kujbyshev on the banks of the Volga. The ministry in Japan changed and a jingo Premier assumed office. America nevertheless proclaimed that she would not join the war but asked their ships to get out of the Pacific. In our own country the new members of the Executive Council all assumed charge one after another and the first meeting was to take place on the very date, on which the Wardha sitting of the Working Committee was timed to take place for while the members of the Working Committee who were free, eleven in number, were to meet on the 19th, a wider conference of party leaders of the Legislatures and members of the Working Committee was timed to take place on the 20th October. Once again, was witnessed a parallel to the events of old when at 1 Dariagunj (Dr. Ansari's place) the Congress Cabinet was meeting day and night during the Gandhi-Irwin Negotiations and the Viceroy's Executive Council was meeting in their own chamber in the Government of India Secretariat at a distance of two or three miles. Even so while at Sevagram or Wardha Congress consultations were going on, almost simultaneously the expanded Council of the Viceroy was to meet in Delhi. What the new members would do, how they would justify their appointment, rather their acceptance of the new posts, how they were planning to maintain national honour, each at least in his department—how they were going to deal with the political prisoners, was all a matter for speculation throughout the whole country.

It was just at this juncture again that the Government of India published a summary of a number of communications sought, it was alleged by them, to be passed by a detenu in Deoli to his wife. Why they chose this particular moment, 18th October, for this sensational event, was beyond the power of the public to conjecture.

Might it have been intended to furnish evidence for dealing differently with different categories of political prisoners, internees and detenus or was it intended to stifle the voice of the new members of the Council if they should ask for any generous gesture in the policy of the Government of India? The situation as created and complicated by one thing after another was really intriguing—but intriguing only for a time for the policy of Government could not be a sealed book to the public for long. In the meantime, Gandhi announced on the 21st October once again and with added emphasis that every released Satyagrahi should reoffer Satyagraha within a week of release. Why was it that Gandhi chose this moment to repeat his instructions, when the released leaders from all provinces and parts of the country were gathering at Sevagram? Obviously he did not want any misunderstanding to prevail in any quarter that he was a party to any proposal for the slackening or relaxation of the programme of Satyagraha. If the new members of the Council tabled any proposals, they at any rate must not be based upon any misunderstanding.

Although no authoritative report of the Wardha talks are available, still the speculations of newspaper correspondents gave an inkling into their character. It was freely talked about that certain high-placed public men doubted the usefulness of prolonging Satyagraha, felt it to be all but

a failure, were overcome with doubts about the applicability of non-violence to practical politics and urged a revision of the whole programme by Gandhi. The unwillingness on the part of such friends to proclaim their views was taken advantage of by some of the erstwhile Congress leaders who happened to stand aloof from its accredited programme, like Mr. K. F. Nariman, who taunted the Congress for its folly in rejecting the advice of Subhash Babu and the Forward Bloc. Gandhi's position was not dissimilar to that of Shree Krishna on the battle field of Kurukshetra. It was the Pandavas that had sent him on an embassy to the court of Duryodhana. When negotiations failed and war was decided upon Krishna gave his armies to the Kauravas and himself to the Pandavas at the request of the Parties. He agreed further to be the charioteer of Arjuna, even as Gandhi after the failure of all talks with the Viceroy agreed to be the General of the Congress and lead its forces in a campaign of Satyagraha. But when the first shot was fired, very much like Arjuna, bow and arrow in hand, collapsing in his chariot and raising all kinds of issues with Shree Krishna, moral, sentimental and religious, the warriors of the Congress—some of them, notables, raised issues—not new, but the old ones in a new form, the very ones that had been raised by them in Poona, the ones which were finally rejected in Bombay in favour of ' War '. What was Gandhi to do ? Was there one dissentient in Bombay in respect his policy in favour of abstaining from all war, and urging the wisdom of laying down arms ? The talks in Wardha must have been as comprehensive and many-sided as those on the battlefield of Kurukshetra. Well could Gandhi have recalled the plight of Shree Krishna when the chosen warriors would not give battle and when he was impelled to order ' fire ' and ask all released leaders to go back to their respective jails by offering Satyagraha once again.

In the last week of October, was published by Gandhi a comprehensive statement which must be deemed a reply to the argument of the dissentients that wanted a change of programme and a review of the progress of the movement over the previous one year. The statement reiterated the eternal principles guiding his movement " To give up Civil Disobedience would be folly" said he. "Civil Disobedience is itself completely non-violent action. It is a duty in the face of violence without parallel."

### The Releases And After

Suddenly on the 27th October, 1941 a message carried the news all over India that certain detenus would be released from the Vellore Central Jail and the names announced were those of the speaker of the Madras Legislative Assembly and six others. Why this sudden notification followed by actual release on the 1st of November as notified took place, no one could guess except that for some time the rumour had been growing strong that Government were considering the policy of partial releases and would begin with those Satyagrahis who had signed the Congress pledge and were arrested before uttering the slogan or even before issuing notice to that effect, When first the report was set afloat four months before the actual releases. it was coupled with the challenge that Government were anxious to see whether these released Satyagrahis would court imprisonment once again. But by the time, the releases were actually effected, Government's attitude changed and they inaugurated the policy of not arresting even the ordinary Satyagrahis that in the usual course were offering Satyagraha for the first time in many cases, for second in a few cases, or even the third. The releases

in Madras were followed by the release of the Chief Minister and one or two others in Bombay and similar symbolic releases elsewhere. The fact was that there was a loud cry from all quarters including a section of the British House of Commons for the release of Jawaharlal and other Satyagrahis in India so as to create a favourable atmosphere for the planning of measures whereby a fresh attempt to solve the Indian deadlock could be made.

It may be stated that early in October 1941, the ex-Premier of Madras and the Ex-Revenue Minister were released owing to efflux of time and Government explained that the releases on the first of November were only influenced by the fact that those who were set free, would, if they had been tried in the usual course and convicted in the usual course, instead of being taken as detenus, served out their terms by the 1st November, a year since the inauguration of Satyagraha, and been released. It was widely rumoured that a general jail delivery of the Satyagrahis was under contemplation but repeated inquiries brought no reassuring news that way. Pressure was being applied for the release in particular of the Congress President, Maulana Abul Kalam Azad and of Jawaharlal, the former of whom had eight months and the latter three years still to serve.

While the atmosphere was often changing from one of hope at one end to one of despair at the other, with all the intermediate states of vacillation, hesitancy and doubt, political circles were much agitated over what might happen in case a general jail delivery of the Satyagrahis at any rate took place. Already it was believed that C. Rajagopalachariar, the Ex-Premier of Madras was not only not keen upon the continuance of Satyagraha, but had doubts about its efficacy or even appropriateness at this particular juncture. One outstanding event during the term of the Satyagrahis' imprisonment in 1941 was the entry of Russia into the war on June 22nd,1941 as the result of German Invasion, which the Fuehrer said, became inevitable as Russia had for some time massed her forces on the border along a length of 1500 to 2000 miles. However that be, Germany's invasion of Russia was as spectacular in its success as it was sudden in its onset and a doubt was created in the public mind whether Britain and Russia could come out unscathed from this trial of their mass strength in arms and mechanized warfare. The relevancy of a consideration of the war issues lay herein,—that the question of Indian co-operation with British in war effort was inextricably intertwined with the prospects of Britain's success in the war. Should India make herself a trailer to a sinking steamship or hitch her waggon to a falling star? Gandhi, it was agreed, was the best judge of the situation as he had abundance of common-sense, farsightedness, political judgment on the one hand and the courage to change his plans and programmes without labouring under any sense of false prestige on the other. But Gandhi had not lost a minute in discounting the value and significance of the releases. He set his face against them even so early as in October 1941 and not only did he repeatedly urge every released prisoner to offer forthwith Satyagraha once again. but published a three column article on the 31st October in the Indian press in which he set forth his views with utter frankness and fearlessness.

In the meantime, the situation at Deoli was worsening from day to day in the month of November. The hunger strike of about 180 detenus attracted wide attention all over India and Gandhi was in constant communication with the prisoners and the Government of India and keeping himself in touch with the progress of events. Mr. N. M. Joshi's visit to Deoli, his personal study of the grievances and his notice of resolution in the Central

Assembly on the subject brought about a welcome change in the attitude of the Home Member who agreed to repatriate the detenus to their respective provinces. But then a new issue was raised by some of the detenus themselves on the score that in their own provinces, they should be entitled to all the privileges which became theirs at Deoli, after a hard struggle therefor. Progress at this stage became slow, and Mahadev Desai was sent by Gandhi to verify certain allegations by the detenus. But by the time, he reached Delhi, it was flashed on the radio that the claims of the detenus were conceded and the hunger strike was abandoned.

This unexpected termination set Gandhi who was ill at ease, free from all anxiety, for it may be freely mentioned without any unnecessary secrecy that he took to heart the continuance of the hunger strike by some detenus at Deoli in spite of his own personal and persistent exhortations to the contrary. In the third week of November, 1941, he was positive that Jawaharlal would not be released and worried that the hunger strike had not been given up. He could not readily realize that at least to spite him the British would release Jawaharlal,—nor was there any wonder in his inability to do so, for he could not visualize a proceeding on the part of Government rooted in spitefulness. All these and other more important matters were the subject of private conversation between the released Satyagrahis and Gandhi throughout the month of November. But when all was said and done, he continued adamant in his view that he did not want the releases, that the released prisoners should go back to prison and that Jawaharlal in any case would not be released. He had prolonged conversations for three afternoons with Shree Bhulabhai J. Desai, which were exclusively between them two, although on the fourth day when he replied to Bhulabhai's argument, C. R. was also admitted. He remained adamant still and not all the direct hits of the veteran lawyer, who had a fund of resources in his armoury, —forensic and political, and used them all against Gandhi for, otherwise there was no need for this unwonted privacy,—had the least effect on Gandhi. It must be, however, admitted that Gandhi was correctly appraising all the arguments put forward by his own immediate *chelas* who were not by any means his opponents, who were on the contrary his nearest colleagues that always carried out his behests with the utmost readiness and loyalty. Gandhi's real greatness lay in the fact that he did not like people to say ditto to him as a matter of courtesy or convention but welcomed friendly opposition, healthy discussion and constructive criticism. He was free to admit in these conversations that a general jail delivery would be taken as generous gesture on the part of Government and would certainly change the complexion of affairs. The fact, however, is that the rock of ages remains intact despite the buffets of the waves and the sea air but with every new impact its surface is undoubtedly wearing off. How else could we account for the damage done to the rock cut caves of Elephanta (Bombay)? Even so Gandhi's surface was being eroded by wave after wave of argument, opposition and challenge and when these gained in volume and velocity, he saw no course except to vacate his place as General. But should he challenge the decision of the Working Committee in the All-India Congress Committee, or should he even divide the Working Committee itself earlier? However, it was too soon to think of these details, for Jawaharlal had not been yet released, nor, he felt sure, would he be.

Hardly had a week passed in this state of deep anxiety when suddenly the Government of India came forward with a press *communique* issued in New Delhi in which Government stated :—

The Government of India, confident in the determination of all responsible opinion in India to support the war effort until victory is secured, have reached the conclusion that those Civil Disobedience prisoners whose offences have been formal or symbolic in character can be set free including Pandit Jawaharlal Nehru and Maulana Abul Kalam Azad"

and they were forthwith set free. As was to be expected, Gandhi made his own position doubly clear and in view of the release of the President of the Congress, stated that the Working Committee and the A.I.C.C. would determine the future policy of the Congress. The statement of Gandhi published below is of historic interest as marking what as yet he had not intended as his valedictory pronouncement upon the Satyagraha Movement of the Congress :—

### Gandhiji's Statement on Releases.

" As I said before the event, I must repeat after the event, that so far as I am concerned, it cannot evoke a single responsive or appreciative chord in me.

"From my student days onwards, I have been and still claim to be a friend of the British people. But my friendship cannot blind me to feel that British representatives hold India as a bond-slave. All the freedom that India enjoys, is the freedom of the slave and not the freedom of the equal which is otherwise known as complete independence.

" Mr. Amery's pronouncements do not soothe the pestering sore, but they are like sprinkling chillies on it. It is in that setting that I am called upon to examine the release.

" If the Government of India are confident in their determination of all responsible opinion in India to support war effort, the logical conclusion would be to keep civil disobedience prisoners in their custody, because they produce a jarring note. The only meaning I can attach to release therefore is that they expect that prisoners will have a change of their opinions in their self-invited solitude. I am hoping that Government will be soon disillusioned.

" Civil Disobedience was not taken up without most careful consideration. It was certainly not taken up out of any vindictiveness. It was taken up, and I hope, will be continued, in order to make good and vindicate the claim of the Congress to let the British people and the world know that there is at the very least a large body of public opinion represented by the Congress which is utterly opposed to participation in war, not because it wishes any disaster to British arms, or victory to the Nazis, or Fascist arms, but because it sees no deliverance from blood guiltiness either for the victors or for the vanquished, and certainly no deliverance for India out of this war.

" The Congress which seeks and claims to represent the dumb millions, had for the past 20 years accepted non-violence, as its unbroken policy to achieve India's independence. To stop Civil Disobedience, symbolic though it may be, for the time being, will be to deny its policy at the crucial moment.

" The Government claim that in spite of Congress efforts, they are able to get all men and money from India. Therefore, the Congress opposition in this estimate can only be a moral effort and moral demonstration. I for one am entirely satisfied with it, because I am con-

vinced that from that moral demonstration will arrive, when the moment comes, a demonstration which will result in attainment of India's independence not ascendency of this party or that.

"The Congress struggle covers every single unit in India and now that the Congress President is expected to be out, it will be for him to consider whether and when to call the Congress Working Committee or the A. I. C. C. These two bodies will determine the future policy of the Congress. I am but a humble instrument of service in conducting Civil Disobedience.

"I would, however, say one word about detenus and other prisoners. It sounds strange that those who have sought imprisonment are to be discharged, and not those who are either detained without trial or imprisoned because they held the freedom of their country dearer than their personal liberty. There is surely something utterly wrong somewhere. I, therefore, cannot rejoice over the Government of India's decision."

The release of Jawaharlalji and the President, strictly speaking, need not have come up for special mention by Government. The fact is that Government did not wait till they offered Satyagraha and in both cases they adopted steps meant to create panic among the Satyagrahis. In the case of Jawaharlal, the four years' sentence had, undoubtedly, such an object behind it. And in the second case the Magistrate had come out of his way to pass remarks upon the President's conduct in delivering an anti-war speech without waiting to utter the formal anti-war slogan. The following is the text of the judgment delivered by the City Magistrate of Allahabad in the case against Maulana Azad, Congress President, sentencing him to eighteen months' simple imprisonment under the Defencee of India Act :—

"Maulana Abul Kalam Azad, President of the Indian National Congress, admits having made the speech in the Purushottamdas Park, Allahabad, on December 13, 1940, which as recorded by shorthand report and later read out by him to witnesses who signed the shorthand version. This speech is proved by the shorthand reporter.

"Maulana Azad, in his statement says that the recorded speech is full of mistakes and errors, but, inasmuch as it proclaims the declared policy of the Congress not to assist in the prosecution of the war, it is correct and he assumes full responsibility not only for having proclaimed this in the speech here but also all over India and also for having instructed several others to proclaim this policy all over. The speech abounds in passages which aim at bringing the British Government into hatred and contempt and at prejudicing the efficient prosecution of the war. These are prejudicial acts under Rule 34 and he has accordingly been charged under rule 38 (5) of the Defence of India Rules to which charge he has pleaded guilty.

"It is to be noted that although the Congress has drawn up the well ordered programme of informing the authorities in time of the date, time and place of carrying out anti-war slogan in this instance, the Congress President himself delivered a violent anti-war speech in total disregard of the well-disciplined programme evolved by the Congress in conducting Satyagraha."

(*The Hindu*, January 10, 1941, Page 8).

That it cost Government a good deal of heart searching to release both, is undeniable but one cannot take it as proof of change of heart. The fact is that

already the halting and half-hearted manner of ordering the releases has taken away all the value and half the grace of the Government's gesture. If these two eminent men had not been released, the step would have been a mockery.

On December 4th, the Secretary of State for India was asked by Mr. Sorensen (Labour), at question time in the House of Commons whether "He intends to indicate to the people of India upon what democratic basis His Majesty's Government considers they are entitled to discuss and determine the future constitution of their country; whether he is aware of the number of Hindu, Muslim and other bodies including the Congress who support the principle of Constituent Assembly; whether he will announce the number of democratic bodies in India who do not support that principle; and whether he intends to announce in the near future any proposals or plans for modification or adaptation of the existing constitution of India?"

Mr. Amery's reply: "The intentions of His Majesty's Government with regard to the constitutional issue in India were set forth in a statement made by the Governor-General on August 8, 1940, which invited Indians to reach a basis of friendly agreement, first upon the form which shall be taken by the post-war representative body which is the devised frame-work of India's future constitution and on the methods by which it shall arrive at its conclusions as well as upon the principles and outlines of the constitution itself."

**The Releases**

One would have expected, and very naturally, quite a crop of speeches by the released leaders. The first to break silence was Jawaharlal on his release on 4th December, 1941 and he sent his warm greetings to his friends and fellow workers,—comrades all, in the following message that was at once intensely human and dynamic :—

**Nehru's Call to India**

"To all my comrades, to Congressmen, to the people of the United Provinces, greetings. It is good to meet old friends again, to see familiar faces, to feel the warmth of the welcoming smile and the embrace and grip of comradeship. It is good to see the wide fields and the crowded streets and ever-changing panorama of humanity. But it is not good to go in and out of prison at the bidding of an alien authority. It is not good to come out of the narrow confines of jail into the larger prison that is India today. The time will come surely when we break through and demolish all the prison walls that encompass our bodies and minds, and function freely as a free nation. But the time is not yet and we may not forget this or rejoice at a trivial change which has no meaning.

"In this world of infinite suffering, where violence and hatred and the spirit of destruction seem to reign supreme, there is no rest or avoidance of travail. In this India, where foreign and authoritarian rule oppresses and strangles us, there is no peace for us, and the call for action in the interest of a free India and a free world comes insistently to our ears. The call of India is there for those who wish to hear, the call of suffering humanity becomes more agonizing from day to day.

Gandhi's reaction to the releases and his views on future Congress Policy are embodied in the following statement dated 5-12-1941.

"The Working Committeee and A. I. C. C. members must not offer Satyagraha nor should those interested in reversing the Bombay decision do

so. Apart from these, Civil Disobedience should continue without interruption," observes Mahatma Gandhi in a lengthy statement.

Mahatmaji holds that Civil Disobedience without Constructive Programme will not lead India to Independence. So shorn of it, Civil Disobedience becomes a violent method which is bound to prove ineffective in the end, says Mahatma Gandhi.

### No Indecent Haste

Replying to a question whether discharged Satyagrahis should hold or attend meetings and deliver speeches, he says that they should do so. "I don't want them to offer Civil Disobedience again immediately. That would be indecent haste but ordinary Civil Disobedience may go on."

" Let it be known that I have no authority to suspend Civil Disobedience on extraneous grounds. That is for the Congress to do". Mahatma Gandhi adds, " As a man sworn to peace, at this critical moment to suspend anti-war activity, would be to deny myself."

Following is the full text of Mahatma Gandhi's statement :—

" The jail delivery that is going on apace of Satyagrahis must be taken as a challenge to convene a meeting of the A. I. C. C. which, the Government of India have been evidently induced to expect, will reverse the Bombay Decision whose working is reflected in my conduct of the Satyagraha Campaign. I have, therefore, advised the Maulana Saheb to convene a meeting of the Working Committee and the A. I. C. C. at an early date, but until that decision is reversed Civil Disobedience has to go on. I must admit, however, that the conduct of the campaign has been rendered difficult by the Government action in discharging Civil Disobedience prisoners, but if we are to reach our goal, we have to cut our way through every difficulty. This one is nothing compared to what we are likely to have to face before we come into our own. If the A. I. C. C. meeting is to come, as it must, pending the meeting, members of the Working Committee and the A. I. C. C. must not offer Civil Disobedince nor should those who are interested in reversing the Bombay Decision. Apart from these, Civil Disobedience should continue without interruption. Of course it will stand suspended on X'mas Day, Boxing Day and New Year's Day.

" The question naturally arises whether Civil Disobedience is to be offered in the usual manner by reciting the prescribed formula or in some other manner. I like the formula method. It gives directness and symmetry to the movement. There is great power in the reciting of the same formula in the same manner. It rivets the attention of the masses and men on identical themes. The formula is not a mean thing. It is a protest of the nation against war as an arbitrator. It is a message of peace on earth and good-will towards mankind. What is individual formula to-day will become, in due time, that of the masses, but the authorities having discharged symbolical Satyagrahis may refuse to rearrest them for reciting slogans. There are then two ways open to us : if they do not re-arrest, there need be no dismay and demoralisation, the jail is not the objective. Freedom of speech is the immediate objective. If recitation isnot objected to, we have advanced somewhat towards our objective and it will be foolish to court imprisonment for the sake of it. Dismay and demoralisation arise because Congress men in general have not realised the inevitable connection between Constructive Programme and C. D. and Civil Disobedience with-

out the backing of Constructive Programme can never lead us to independence. Shorn of it, Civil Disobedience becomes a method of violence bound to prove ineffective in the end. Moreover Civil Disobedience, even when it is mass, will only be offered by those who are bodily fit, whereas Constructive Programme is for all and will never be suspended if the whole nation took it up in earnest. It is enough to give us Complete Independence.

"Prosecution of Constructive Programme means constructing structure of Swaraj. The whole theme of corporate non-violence, as I have conceived it, falls to pieces if there is no living faith in the Constructive Programme. To my mind, Swaraj based on non-violence is fulfilment of the Constructive Programme; hence, whether the authorities jail us or not, we must, pursue the Constructive Programme.

"I have been asked whether discharged Satyagrahis should hold or attend meetings and deliver speeches. They should do so. I do not want or expect them to re-offer Civil Disobedience immediately. That would be indecent haste, but ordinary Civil Disobedience may go on. For the discharged ones let there be breathing time. Let them address meetings in their constituencies and study things at the meetings. They will expound their views on the general situation and not hesitate to interpret the anti-war Congress policy.

"Symbolic Satyagraha has a definite meaning but it is open to the authorities to arrest Congressmen for their speeches even if they do not intend thereby to offer Civil Disobedience. That was how they had arrested the Maulana Sahib and Pandit Jawaharlal Nehru, not to mention lesser lights. Let it be known that I have no authority to suspend Civil Disobedience on extraneous grounds. That is for the Congress to do. For me personally there is no choice. As a man sworn to peace at this critical moment, to suspend my anti-war activity would be to deny myself. Therefore, for those who think like me whether we are misunderstood or worse befalls, we must express our faith through our action, hoping thereby that ultimately our way will be accepted by all warring powers as the only escape from a blood bath which is reducing man to his lowest depth."

Two notable pronouncements were made about the middle of December 1941, one by the Viceroy on the 15th before the Federated Chambers of Commerce, Calcutta and the other by C. Rajagopalachari delivering the convocation address on the 13th December at the Lucknow University. In the former the Viceroy repeated his familiar offer of 8th August, 1940. It was only the Chinese prayer wheel transferred from White Hall to Calcutta. If Lord Linlithgow as the pastor of the Indian personage thinks that a year's penitence in jails should have reclaimed these erring children of God, he is very much mistaken. He must pray for his flock harder and give them a longer lease for their penitence. If, however, Lord Linlithgow would be a mediator and messiah between the God on high in England and His 'children' below in India, he must change his tone and temper instead of putting on the cowl and mitre and repeating his beatitudes of old, saying 'Blessed be they that accept the offer of August 8th, for they shall inherit the Kingdom of Hindusthan."

The second is C. R.'s Convocation Address which was a notable performance in that he took a public occasion to make a weighty pronouncement of a highly controversial and heterodox a nature on the burning topic of non-violence.

Mr. Rajagopalachari was reported in private conversations in Lucknow to have made a rather detailed exposition of his stand in regard to non-violence as applicable to the present political situation. He seems to have stressed the limitations of non-violence in the affairs of men. He made it clear, it appears, that he had little sympathy with those who were to-day arrayed against the group comprising Britain and her Allies. His conception of non-violence would not prohibit even an old man like himself from responding to the appeal for joining the colours in defence of his land and its freedom if the British Government created the conditions for making the call of freedom a reality in so far as Indians were concerned. He favoured reiteration of their political stand, which according to him, was more or less on the lines of the Poona Offer. He also made it clear, it seems, that it should be a National Coalition Government at the Centre and Popular Governments in the Provinces. He did not believe in Indianisation, which, he agreed with Pandit Jawaharlal Nehru, was a misnomer.

As political strategy, Mr. Rajagopalachari favoured suspension of Satyagraha at the present moment after reiteration of their stand and adoption of an attitude of neutrality. He was not anxious so to modify his stand as to make it acceptable to the British Government. He was of the opinion that the Congress should clarify its stand and place it before the public. It would be for the Government either to accept or reject it.

While he was and could not be in the know of the attitude of the Government, he thought that sooner or later the hard realities of the situation would convince the Government that rejection of such an offer again would not be in the interests of Britain herself. Once that stand was taken, it would be for them to consolidate their position by bringing together all interests, including the communal, and let the pressure get the momentum which everybody would find irresistible.

With the release of the Satyagrahi prisoners, the first thought of Gandhi, as he himself indicated, was that a meeting of the Working Committee should be held at an early date and that thereafter the A. I. C. C. should be invited to meet to discuss and decide the future policy of the Congress. Accordingly a meeting of the Working Committee was convened on the 23rd of December 1941. It had been the practice for some years of Gandhi spending a month in the winter,—December, January in Bardoli. Indeed two or three years prior to 1941, there was an earnest effort made by Gujarat to take back Gandhi to Bardoli and make it his permanent headquarters. But Gandhi having carved out a regular metropolis of non-violent India at Wardha with Sevagram as his personal residence, could not, even for the sake of Bardoli and Gujarat, abandon his little village and the several experiments in Truth, and non-violence, experiments relating to Industries, Education, Social Service, and training of women, which constituted the different items of what by then became well known as the Constructive Programme. Accordingly, the Working Committee met at the winter residence of Gandhi and it was a historic meeting having produced results of a somewhat unexpected though not unwelcome character.

### Working Committee Resolutions

The following is the full text of the main resolution passed by the Congress Working Committee:—

" Fourteen months have elapsed since the Working Committee held their last meeting and during this period the world has fallen ever deeper into the abyss of war and rushed headlong towards self-destruction. Members of the Committee have met again on their release from prison and given earnest thought to all the national and international developments during this fateful period of human history. The burden of guiding the Congress and the nation at this critical state when old problems assume a new significance and the war has approached the frontiers of India, bringing new problems in its train, is a heavy one which the Committee can only shoulder worthily with the full co-operation of the people of India.

" The Committee have endeavoured to keep in view the principles and objectives for which the Congress has stood during these past many years and considered them in the larger context of world conditions and world freedom. The Committee are convinced that full freedom for the people of India is essential and more especially in the present state of world turmoil, not only for India's sake, but for the sake of the world. The Committee also hold that real peace and freedom can only be established and endured on the basis of world co-operation between free nations.

" The Committee gave full expression to their attitude towards war in their statement issued on September 14, 1939 wherein they condemned the Nazi and Fascist aggression and expressed their willingness to help the cause of freedom and democracy, provided the objectives of the war were clearly stated and acted upon in so far as was possible in the present. If freedom and democracy were those objectives, then they must necessarily include the ending of imperialism and the recognition of the independence of India. Subsequent pronouncements made on behalf of the British Government and their reactionary and oppressive policy made it clear that this Government was determined to maintain and intensify its imperialist hold and exploitation of the Indian people. The British policy was one of deliberate insult to Indian nationalism, of a perpetuation of unrestrained authoritarianism and the encouragement of disruptive and reactionary elements. Not only has every offer made by the Congress of an honourable compromise been rejected, but public opinion voiced by organizations regarded as moderate has also been flouted.

" The Congress was, therefore, compelled in order to defend the honour and elementary rights of the Indian people and integrity of the nationalist movement, to request Gandhiji to guide the Congress in the action that should be taken. Mahatma Gandhi, desirous of avoiding embarrassment to his opponent, as far as possible, especially during the perils and dangers of war, limited the Satyagraha Movement which he started with selected individuals who conformed to certain tests he had laid down. That Satyagraha has now proceeded for over fourteen months and about 25,000 Congressmen have suffered imprisonment, while many thousands of others who offered Satyagraha in the Frontier Province and elsewhere were not arrested.

" The Committee desire to express their respectful appreciation of Gandhi's leadership and of the response of the nation to it and are of opinion that this has strengthened the people throughout this period. The attitude of the British Government has been hostile to Indian freedom and it has functioned in India as a completely authoritarian Government insulting the deeply cherished convictions and feelings of the people. Neither the profession of freedom and democracy nor the perils and catastrophes that have

come in the wake of war have affected this attitude and policy and such changes as have taken place have been for the worse.

" The recent release of a number of political prisoners has no significance or importance and the circumstances attending it and the official pronouncements made make it clear that it is not connected with any change of policy. The large numbers of detenus who are kept in prison under the Defence of India Act without trial and whose only offence seems to be that they are ardent patriots, impatient of foreign rule and determined to achieve the independence of the country still remain in prison. The recent arrests of prominent persons and their treatment in prison also indicate that the old policy is being pursued as before.

" While there has been no change in Britain's policy towards India the Working Committee must nevertheless take into full consideration the new world situation that has arisen by the development of the war into a world conflict and its approach to India. The sympathies of the Congress must inevitably lie with the peoples who are the subject of aggression and who are fighting for their freedom, but only a free and Independent India can be in a position to undertake the defence of the country on a national basis and be of help in the furtherance of the larger causes that are emerging from the storm of war.

" The whole background in India is one of hostility and of distrust of the British Government and not even the most far-reaching promises can alter this background nor can a subject India offer voluntary or willing help to an arrogant imperialism which is indistinguishable from fascist authoritarianism.

" The Committee is therefore of opinion that the resolution of the A. I. C. C. passed in Bombay on September 16, 1940 and defines the Congress policy holds to-day still."

The Congress Working Committee passedthe following resolutions:—

"The Working Committee have received a letter from Gandhiji and recognise the validity of the point he has raised and therefore relieve him of the responsibility laid upon him by the Bombay Resolution referred to by Gandhiji, but the Committee assure him that the policy of non-violence adopted under his guidance for the attainment of Swaraj and which has proved so successful in leading to mass awakening and otherwise will be adhered to by the Congress.

" The Working Committee further assures him that it would like to extend its scope as far as possible even in a free India. The Committee hopes that Congressmen will tender him full assistance in the prosecution of his mission including the offering of Civil Disobedience."

The following instructions were issued by the Working Committee to Congressmen : " Recent developments in the world situation have brought war near to India's frontiers. This may lead to internal dislocation in certain parts of the country. There is a possibility of some cities being subjected to aerial attack.

"Whatever dangers and difficulties might arise, real antidote to them is to remain cool and collected and on no account to give way to nervousness and excitement. Congressmen must remain at their posts and continue their

service of the people wherever necessity arises. They should yield places of safety to those in greater need and be ready to render aid to those who may require it.

" Congress can help and serve people in the difficult times ahead only if its organization is strong and disciplined and Congressmen individually and Congress Committees are able to command confidence in their respective localities.

" Congress Committees and Congressmen should, therefore, address themselves immediately to the task of strengthening organization and reviving and maintaining contacts with people in villages and towns. Every village should as far as possible, receive the message of Congress and be prepared to face such difficulties as might arise."

A statement was immediately issued by Rajendra Babu, the Sardar, Kripalainji and Dr. Ghosh pleading for the exercise of independent judgment at the ensuing meeting of the A. I. C. C.

Further light on the Bardoli Resolution was thrown by the summary of Gandhiji's speech published in the *Harijan*.

" The resolution," he revealed, is a mirror in which all groups can see themselves. The original was Jawaharlalji's draft, but it was referred to a sub-committee at whose hands it has undergone material changes.

" The original had left no room for Rajaji to work. The sub-committee opened a tiny window for him to squeeze in. Jawaharlalji's opposition to participation in the war effort is almost as strong as mine, though his reasons are different. Rajaji would participate, if certain conditions acceptable to the Congress were fulfilled. The non-violent non-co-operators like Rajendra Babu have certainly a place, for, until the remote event takes place, non-violence rules supreme."

Proceeding Gandhiji said :

When there was a talk of the A. I. C. C. being possibly divided, several people contemplated the prospect with trepidation, lest the Congress should again listen to mad Gandhi's advice in order to retain his leadership, and become a religious organization instead of the political organization that it has been all these years. Let me disabuse them of their fear, and say that the Congress can do no such thing, that we have not wasted the past twenty years. All that the Congress has decided to do is that it will allow the world to deal with it in terms that the world can understand, and if the terms are good enough, it will accept them. But you may be also sure that the Congress will not be easily satisfied. It will go on repeating "Not this," " Not this," until it wins the real commodity it wants.

" You will, therefore, say exactly what you want, and I will also say all I want. That is why I have decided to issue the three weeklies, and I will go on venting my views therein with the fullest freedom, as long as I am allowed to do so. In the meanwhile, if you can get what you want, you will strike the bargain, and you may be sure that I will not shed a single tear. I therefore do not want to cheat the world of its jubilation over the resolution. I do not want the Congress to look ridiculous in the eyes of the world. I do not want it to be said that in order to retain my leadership you bade good-bye to your convictions."

Gandhi explained the significance of Bardoli Resolution on January 5, 1942.

" Whatever be my opinion, you must exercise your free judgment in this matter," declared Mahatma Gandhi, addressing a meeting of the Gujarat Provincial Congress Committee and Congress workers in Gujarat. Dr. Rajendra Prasad, Sardar Vallabhbhai Patel, Acharya Kripalani and Dr. Prafula Chandra Ghosh were among those present.

Gandhi spoke for an hour, explaining his position with regard to the Bardoli Resolutions, and advised the Gujarat members of the All-India Congress Committee to give their unbiassed vote at the forthcoming A. I. C. C. session at Wardha.

Gandhi said that he had not left the Congress and his position was the same even at Bombay, and added : " I am a servant of the Congress and I want to serve the Congress in consonance with the principles of truth and non-violence. The Working Committee has decided to co-operate with the Government in the war, if Britain grants Swaraj to India. It is not a fact that the Congress has violated the principle of non-violence, but it has only made a small opening just with a view to shake hands with Britain. Rajaji thinks that all of us should go to war fully armed, but it may not be the opinion of all."

Declaring that the Constructive Programme should be continued, Mahatma Gandhi said : " I do not want to send workers to jail nowadays, when their services can be better availed of in allaying panic."

Sardar Vallabhbhai Patel, who presided, said, " More critical times await us ; our responsibilities will increase, and at that time we cannot look to the Government, for they are engrossed in their own responsibilities ; we shall have to decide for ourselves."

Immediately the matter attracted attention in England but to no tangible effect.

" I have noted the resolutions passed by leaders of the political parties in India towards the end of December and the various statements made by political leaders in connection therewith but I regret I cannot discover in them any satisfactory response to the Viceroy's recent appeal for unity and co-operation in the face of common danger."

This statement was made by Mr. Amery, Secretary of State for India, in the House of Commons on January 9.

" The Government," he added, " will not abate their efforts to promote that measure of agreement which is essential to the fulfilment of their pledges in India,—pledges which though given independently of the Atlantic Charter are in complete accord with the general principle affirmed in that declaration."

The Congress Working Committee met on January 13 and discussed matters relating to the function of the Congress organization. The Committee issued instructions to Congressmen on the celebration of the Independence Day, the refunctioning of Congress Committees and the enrolment of primary members.

The Working Committee amended the Independence Day Pledge by deleting from the pledge portions relating to the Individual Civil Disobedience Movement.

### The Amended Pledge

The following is the amended Independence Pledge :

> " We believe that it is an inalienable right of the Indian people as of any other people to have freedom and enjoy the fruits of their toil and have necessities of life so that they may have full opportunities of growth. We believe also that if any Government deprives a people

of these rights and oppresses them, the people have a further right to alter it or to abolish it. The British Government in India has not only deprived the Indian people of their freedom but has based itself on the exploitation of the masses and has ruined India economically, politically, culturally and spiritually. We believe, therefore, that India must sever the British connection and attain Purna Swaraj or complete independence.

" We recognise that the most effective way of gaining our freedom is not through violence. India has gained strength and self-reliance and marched a long way to Swaraj following peaceful and legitimate methods and it is by adhering to these methods that our country will attain independence.

" We pledge ourselves anew to independence of India and solemnly resolve to carry out non-violently the struggle for freedom till Puran Swaraj is attained.

" We believe that non-violent action in general and preparation for non-violent direct action in particular require successful working of the Constructive Programme of Khadi, communal harmony and removal of untouchability. We shall seek every opportunity of spreading goodwill among fellowmen without distinction of caste or creed. We shall endeavour to raise from ignorance and poverty those who have been neglected and to advance in every way the interests of those who are considered to be backward and suppressed. We know that though we are out to destroy imperialistic system, we have no quarrel with Englishmen whether officials or non-officials. We know that the distinction between caste Hindus and Harijans must be abolished and Hindus have to forget these distinctions in their daily conduct. Such distinctions are a bar to non-violent conduct. Though our religious faith may be different in our mutual relations we will act as children of mother India, bound by common nationality and common political economic interest.

" Charkha and Khadi are integral parts of our Constructive Programme for the resuscitation of seven hundred thousand villages of India and for the removal of the grinding poverty of the masses. We shall, therefore, spin regularly and use for our personal requirements nothing but Khadi and so far as possible products of village handicrafts only and endeavour to make others do likewise. We pledge ourselves to the disciplined observance of Congress principles and policies and to keep in readiness to respond to the call of the Congress whenever it may come for carrying on the struggle for the independence of India."

* * * * *

Replying to the debate at the meeting of the A. I. C. C., Pandit Jawaharlal Nehru criticised the tendency to be carried away by slogans and catchwords. So far as he could see, Communists, Socialists and Gandhites were equally victims to that tendency. Socialism or Communism never meant the application of abstract theories based on experiences of Western countries without regard to conditions in India. The suggestion of Congress Socialists to convene a Constituent Assembly was, in his opinion, impracticable at this juncture, although he believed that, ultimately, a Constituent Assembly alone could decide the fate of India.

Nehru added that he failed to understand the attitude of those who talked of "hundred per cent non-violence," but tolerated the present economic and social structure based on violence and injustice, and who hoped to build

up a new structure by means of bringing about a mental change amongst the capitalist and propertied classes. He expressed disagreement with Rajendra Prasad and his friends who said that they did not consider the independence which countries like England and America enjoyed worth acceptance. He for one would any day accept that type of freedom, imperfect though it was, and would then try to remedy the defects and build up a new structure of society, which would be free from periodical wars and the use of violence.

The news of the Bardoli Resolution reached Mr. Churchill while he was still in U.S.A., and in reply to an enquiry, he stated that he could not say anything thereon as he had not been in touch with the course of events in India for some time. The enquiry was, however, pursued in Parliament in London. Mr. Churchill stated that the communication to him in Washington by Dr. Sapru reached him at the moment of his departure from U.S.A., and that he would give careful attention to the suggestion made and would thereafter send an answer in terms which could be made public.

Mr. Amery speaking on January 22, 1942 told a Commons questioner that he had no further statement to make respecting the political situation in India. Mr. Pethick-Lawrence addressing the House of Commons in a debate on January 27, 1942 said that he considered that a happy solution of the complex Indian situation was a vital part of the war effort, and that the Prime Minister should convey to the Indian people and politicians that there is real intention on the part of all sections of this country to confer real self-governing Dominion Status on India at the end of the war.

There were inevitable references to India in the House of Commons debate on the Vote of Confidence motion on the first two days.

Mr. Edgar Granville (Liberal National) hoped, that the Government would be able to mobilise the full resources of India and that the Prime Minister's offer made to the dominions might also be made to the people of India so that their representative might sit in the War Cabinet in London.

Once again an angry debate took place in the Lords on February 3, 1942 in which Lord Farington (Labour) took a leading part.

He drew the attention of the Government to what he called one of the most urgent problems of the present time. He complained of complacency and said that the situation ws daily becoming more critical but nothing was being done to meet it.

It seemed very unfortunate, Lord Farington added, that His Majesty's Government had not been able to make the promise of self-government for India more concrete. Unhappily any usefulness which the Atlantic Charter might have had in India was completely ruined by the statement by the Prime Minister that it did not apply to India. He wished to suggest some practical steps towards ending the present deadlock, the danger of which became so pressing in the past few months, underlined by the situation in Malaya from where one heard that the people of the country took little interest in the war.

"The first of my suggestions is that the Government should state unequivocally that it is their intention to give India Self-Government not at any future date but now. It would seem that there are persons with whom Indian leaders would negotiate. Let that person and the Government be prepared to complete Indianisation of the Viceroy's Council including Foreign Affairs and Defence. Let them be prepared to treat such a Council as a Provisional Government and let it be a part of the duty of that newly elected council to take the necessary steps for the calling of a Constituent

Assembly or a constitution-making conference. Finally I would suggest that the Government should say that when this Assembly had reached a conclusion, the results of this Indian constitution-making would be introduced into Parliament as a Government measure to be passed through Parliament within at most three years after the termination of the War."

Lord Farington said that the Government had declared that if the two principal parties in India would come to a settlement the Government would ratify that settlement but this was a somewhat unfair attitude. The Muslim League which claims to speak for Muslims have put on paper demands which clearly could never be accepted by the Congress. But the Muslim League in fact, did not speak for the Muslims of India and it was important that people in Britain should realise that and should not prevent an Indian settlement by playing into the hands of the Muslim extremists. It seems. he added, that the Muslim League could not represent even a majority of Muslims in India and its present plan for the partition of India seemed to him to be not only impractical but definitely retrograde.

Lord Hailey said this was no time for manoeuvring standing on punctilios. We should be as bold as we were in the case of Syria in making our declarations. It had been said that constitutional changes could not be carried out in war time but the most momentous declaration in Indian history, that of 1917, was made during the War and the Montagu-Chelmsford report was signed in 1918, the most critical part of that War. It would be exceedingly difficult to solve the deadlock without some idea as to what we were aiming at. The India Act of 1935 was the fruit of more careful and prolonged consideration than the British people had ever given to any Dominions or empire constitution. That constitution was the federation of an United India.

What place, Lord Hailey asked, was to be assigned to the Indian States and were we now to agree, at the instance of the Muslims, to divide up that United India? He thought that a satisfactory declaration by His Majesty's Government, either giving the date or prescribing the method whereby the two parties in India could decide that they had arrived at a stage when a declaration of that nature would help them to come together, would be a very strong argument.

There was compelling urgency to end political differences and attempt some form of reconciliation if the war effort was not to be seriously impaired. He asked, was it not possible that the position could be readjusted by making the Provinces themselves constituent units of construction in the Central Legislature!

Many Indian leaders, said Lord Catto, still did not feel that this was their war, and without those men to rouse their fellow countrymen, it was difficult to bring home to the peoples of India the dangers of the political situation and to get the maximum war effort. The apathy will continue unless we can solve the constitutional problem and the promise of Dominion Status is fulfilled.

That there was absolutely no change in the mentality of the British Government as regards its, India policy even in the face of the gravest peril to the Empire, is evident from the speech delivered by the Duke of Devonshire, Amery's deputy in the House of Lords, in the course of India debate.

The Duke's speech was extremely provoking and he minimised the Congress influence and extolled that of the Muslim League. These were

his words : " The Muslim League seems definitely to be growing in power and influence and at the moment the power of the Congress Party is diminishing. The claim of the Congress Party is contested and always will be contested by the great Muslim community."

The Duke made much of the communal differences, and pointed out the panacea in the 1940 August Declaration. There was a hint that " an Indian Government or ' Governments' might be formed." He naively said that India Office was no longer ruling India and the European element in the services had been considerably reduced. But "it is certain that to transfer control of the Government in India without having secured some measure of agreement would plunge the country into chaos."

The Duke took a complacent view of India's war effort and his attitude was that it does not matter if the political clamour continues ; we would carry on ! Some sensible speeches were made in the debate, but the Duke's speech may be taken as a reply to the Bardoli Resolution of the Indian National Congress.

The debate in the Lords was soon followed by a review of the Empire's contribution to war effort at Leeds on February 4, in the course of which Mr. L. S. Amery repeated his usual excuses and having referred to Provincial Autonomy proceeded to say " for the rest, we are pledged to help India to attain as soon as possible after the war the same position of freedom and equality with ourselves as enjoyed by the Dominions. In India as elsewhere the internal unity generally accepted as the constitutional framework upon which self-government must rest can only come by free agreement of those immediately concerned. In the last analysis it is only the Indians themselves who can give India freedom. In the absence of agreement we can no more impose a constitution on India and expect it to survive than we could impose a constitution on Europe."

" We are pledged to Indian freedom. We desire Indian Unity. We laid the foundation for both in the past." In these words did Mr. Amery claim a discharge or an honorable acquittal from the accusation of ' Divide and Rule'. But on several occasions and once again now,—has Mr. Amery pleaded against immediate constitutional changes on the ground that it is communal discord that bars the way to freedom and unity. Luckily from one point of view, but unluckily for all, it is not India alone that brings the charge, for Ireland feels that despite the progress of years, she is still sailing in the same boat as India.

Only the other day, De Valera drew attention to this policy of Britain seeing divisions where they don't exist. When the Civil War broke out between 1860 and 1865 between the Northern and the American States over the question of slave trade, Britain and Mr. Gladstone supported the Southern States which had plumped for the continuance of slavery ! In America, then it was the Northern States against the Southern, in Ireland, it was Ulster against the rest of the island. In India, it is one community against another and the Princes against all. In Burma Mr. Amery tells us, it is the Shan States, the Karens, Kachins and Chins that stand against the Burmese proper in the matter of granting Burma, Dominion Status even at the end of the war. " We must take into account" said Mr. Amery to Mr. David Martin, a Canadian journalist, "not only all possible international contingencies but also, the internal situation in Burma." He added that the Shan leaders were opposed at the Round Table Conference to control by a Central Burmese Government. A hundred years ago, a like plea was put

in by the *London Times* against the freedom and unity of Canada when Lord Durham visited the colony and recommended a constitution for which the Lord High Commissioner was dubbed by the London daily as Lord High Seditioner. From the bleak plains of Canada inhabited by the French and the English through the slave-owning States of America, across the Atlantic to the Catholics and Protestants of Eire, the Copts and the Egyptians of *Missar* in the Mediterranean, the Arabs and the Jews of Palestine in the Middle East, Hindus and the Muslims of Hindustan abutting the Indian Ocean and the Arabian Sea, and the Burmese and the Shan States of Brahmapuri on the banks of the Irrawadi—Britain has the same formula and like the Bourbons of old, never forgets, never learns but is destined to pay heavily for the follies of her statesmen from Lord North to Winston Churchill.

In Dramatic performances in India at any rate, the serious development of the plot in Act after Act and scene after scene is generally interspersed with what is called the ' comic ' in which a lighter vein is adopted and appeal is made to the sense of humour of the theme-weary audience so as to regale them with some talks of " superior levity". Even so in the midst of the tragic drama of the great war and in it the no less tragic episode of the Indian struggle for independence, Mr. Amery turns up in between the scenes, to answer the same old questions by Sorensens and Silvermans in the same old manner—much to the delectation not unmixed with disgust—of the war-weary members of the Commons and a much wider circle of readers of the *Hansard* throughout the world. It was thus while the British Cabinet was being shuffled by a much worried Premier by sending out Beaverbrooks and Greenwoods and Kingsley Woods and bringing in Cripps, Mr. Amery on February 19th regretted that he had no information on points familiar to the progressive members of the Lower House and faced a searching fire of cross examination with the observation that he " is not in a position to make any fresh statement on the Indian political situation" and added "I cannot at this moment give you greater satisfaction on that point." When the issue of engaging and enlisting the active support of the masses of the Indian population by giving them a free country to fight for, was seriously raised by Mr. Silverman, Mr. Amery remained solemnly silent. Not a little disappointment was caused in India when on the 20th February the Cabinet changes in Britain were announced, but it was found that Lords might go and Knights might come but Mr. L. S. Amery, the buffoon, remained firm as a rock, adhering to his post, and giving his performances with regularity and non-chalance. Neither the commotion in Britain nor the criticism in the United States would awaken this slumbering minister to a sense of realities. Away in New York, the meeting of Gandhi and Chiang-Kai-Shek in Calcutta attracted attention and provoked the remark in the columns of the *New York Times* that the Indian Nationalists were marking time and the newspaper asked.—" Is India's hour of awakening at hand? We do not know but we do know that India and China are no longer suppliants at the white man's door."

An event of far-reaching international interest occurred on the 9th of February, (1942) when India welcomed as the guests of the Viceroy His Excellency Generalissimo Chiang-Kai-Shek, accompanied by Madame Chiang-Kai-Shek and a party of staff officers. A *communique* stated that " The Generalissimo, has come to India to consult with the Government of India, and in particular with the Commander-in-Chief, on the matters of common concern to China and India. During his stay, he hopes to find opportunities of meeting persons prominent in the public life of this country.

"The Government of India are certain that the people of India will join with them in welcoming the gallant leader of the great Chinese republic."

Messages were sent from different parts of India welcoming the redeemer of modern China. The Press in Britain and America was in jubilation over this unique and unexpected event. Jawaharlal Nehru had several interviews with him, the first by himself, the second along with Maulana Abul Kalam Azad, the Congress President, and the third with his sister and daughter. It was expected that the Generalissimo would meet Gandhi but this did not materialize.

A banquet was given in honour of Their Excellencies Generalissimo and Madame Chiang Kai-Shek at the Viceroy's House H. E. the Viceroy spoke as follows :—

"Your Excellencies, Ladies and Gentlemen :

"A most wise philosopher—none other than Confucius—has asked 'Is it not delightful to have men of kindred spirit come to one from afar ?' None of the posterity for whom he wrote could be more deeply conscious of the truth of that sentiment than we who, on this happy occasion, are privileged to welcome among us the two great leaders of the Chinese nation, and their distinguished companions.

"The story of China during the last decade cannot be read apart from the names of our guests of honour. They have woven themselves into the heroic pattern of fortitude, determination and united endeavour, which China to-day holds up as it were a banner to the civilized world.

"I do not need to remind you of what is already history. Throughout nearly five bitter and strenuous years the Generalissimo and his consort have concentrated and symbolised in their persons the glorious resistance of Free China to the onslaughts of the Japanese aggressor. In a dark hour for the British Empire, the Prime Minister of Great Britain, Mr. Winston Churchill, once declared that we would fight on 'if necessary for years, and if necessary alone.' China has honourable cause to know the meaning of those words. Standing alone against a powerful and well-prepared enemy, she has kept alight the torch of freedom, and in her heroic struggle our guests of honour have throughout borne the heaviest burden.

"That burden is scarcely lighter now, although, thank God, neither they nor we stand alone : for to-day as Allies, with strength and resources joined, we face the future with renewed determination and confidence. A few weeks ago His Excellency the Generalissimo accepted the supreme command over all the forces of the Allied nations operating in Chinese theatre of war, which will include Indo-China and Thailand. We are proud indeed that one of the first acts of the Marshal and his wife after the assumption of that great command has been to visit our land of India. Their gracious and courageous gesture sweeps aside the barriers which nature has erected, and causes us to see, perhaps more clearly than before, how near are China and India to each other, and how many of the priceless gifts of civilization they have in common. In both, the ideals of culture and of kindness prevail : in both the lamp of freedom has been lit : and we, in India, may well learn from China what can be done by valiant and selfless men and women to survive and overcome the worst shocks of the aggressor and to work together for a common and unselfish end.

"Her Excellency Madame Chiang Kai-Shek, we know, has been an inspiration not only to the cause of China itself but to the greater world, and most certainly to India. We have heard of her tireless labours in the cause of war relief and in finding homes for refugee children and for the orphans of gallant soldiers killed in the struggle. We know too that she has been frequently exposed to the danger of wars and has accompanied her husband on his campaigns. It is our good fortune that she accompanies him, too, on his errands of friendship, and we are proud to have her with us to-night.

"Ladies and Gentlemen, we have heard how at this time, when our enemy is threatening the eastern bastion of our fortress, the soldiers of China have come, without hesitation and without stint, to stand by the side of ours on the Burma front. That is the act of a great Ally, and of a brother too. These are the men—and here is their leader—among whose battle honours are inscribed the names of Changsha and Taierchwang. We shall fight this war, therefore, confident and proud in the knowledge that we shall be with China through rough and smooth, through fair weather and foul, until the victorious end. It shall be with us as with John Bunyan's Pilgrim :

Whoso beset him round
With dismal stories
Do but themselves confound
His strength the more is,
There's no discouragement
Shall make him once relent
His first avowed intent
To be a pilgrim.

"With God's help our pilgrimage, side by side with China and our other mighty Allies, shall not end until the enemy is utterly destroyed, in Asia, in Europe, on the high seas ; until our banners of victory float at last on a free air, purged of tyranny and oppression. There could be no happier augury of that dawn of victory towards which we now march together than the presence with us to-night of two leaders of China's fight for freedom.

"Ladies and Gentlemen, I propose the health of Their Excellencies Generalissimo and Madame Chiang Kai-Shek."

### Marshal Chiang's Reply

The Generalissimo, replying to the toast, spoke as follows :—

"Your Excellencies, Ladies and Gentlemen,—

"Your Excellency has done Madame Chiang and myself a signal honour which we deeply appreciate. You have been very generous in your praise of our personal endeavours. In those nearly five strenuous years of which you have spoken our contribution has not been as great as we wished. It is the united people of China, who, true to their ideals, have borne the brunt of the battle for democracy. Since Japan's first invasion of Chinese soil, they have been rising together to higher heights of philosophy, patriotism, unselfishness, courage, endurance, and generosity with but one aim ; out of the agonizing sufferings and losses that have been inflicted upon us, there shall arise a new world in which men and women can live in peace and happiness.

"Since the outbreak of the Pacific war, China and India have been drawn closer together. In the midst of the trial of war, I have availed myself of the first opportunity to visit India, our Ally, in order

to get better acquainted with her potentialities and the possibility of her contribution to the joint cause. I am glad that I have come and have learned much during my short stay here. We have a Chinese saying, 'To have one look at things is a hundred times more satisfactory than hearsay.' I am impressed with the greatness of India.

"Your Excellency, it is a great pleasure for us to meet you and know you. Your knowledge of Indian affairs is extensive and your statesmanship is profound. You have made me feel that I may draw without stint upon the richness of your wisdom. Your Excellency Lady Linlithgow, your unbounded interest in social work was known to us before our visit. We should like to convey to you our sincere esteem.

"You have spoken of the Prime Minister of Great Britain, Mr. Churchill. Since this great leader assumed office, I have been in as close personal touch as the distance which lies between him and me has permitted, and I have found in him stimulation and encouragement.

"Your Excellency has spoken of the presence of Chinese troops in Burma. When I saw General Sir Archibald Wavell in Chungking, I told him that he could count on China's co-operation and assistance in joint resistance against aggression. I have done my best to make this promise good. This is no merit. It is the duty of one Ally to another.

"Ladies and Gentlemen, I now have the honour to propose the health of Their Excellencies the Viceroy and Lady Linlithgow."

Generalissimo Chiang Kai-Shek and Madame Chiang Kai-Shek were accorded a warm reception at Shantiniketan on Feb. 19, 1942.

In reply to the address of welcome by Mr. Rathindranath Tagore, the Generalissimo said :

"Both Madame Chiang and myself feel happy to visit the home of the great Poet at this International seat of learning. We are grateful for the reception you have given to us. We did not see the Poet in person, but we are glad to witness the spirit he has left behind in this institution he has founded.

"We fervently hope that the teachers and students, who have gathered here, will try to uphold the tradition and continue to build up the great work, of which the foundation has already been laid by your Gurudev. Just as our Sun Yat Sen had established the spirit of universal brotherhood amongst us and raised the glory of new China, so your great preceptor has elevated the spirit of your great land and brought to it a new awakening."

Addressing Mr. Tagore, teachers and students the Marshal said : "I have brought nothing from China to offer you, but the warmth of my heart and the good wishes of our people. May you achieve the great work that has been left as a trust to the entire nation by the great leader of your land."

Generalissimo Chiang Kai-Shek and party who had left Calcutta by special train reached Shantiniketan, Pandit Nehru accompanying the party.

Marshal and Madame Chiang Kai-Shek were received at Bolpur station by Poet Tagore's daughter-in-law, Mrs. Protima Tagore, Principal Kshitimohon Sen and Mr. Anil Chanda, Secretary to the President, Vishwabharati. The party then motored straight to Uttarayana where they were received by Mr. Rathindranath Tagore.

After taking short rest at "Udichi", the Poet's last residence, the Marshal and Madame Chiang Kai-Shek visited the Arts Department of Santiniketan.

In the afternoon a reception was held in honour of Marshal and Madame Chiang Kai-Shek at the Singha Sadan. After the guests had taken their seats, the function commenced with the singing of Vedic songs and chanting of appropriate Vedic verses. This was followed by the garlanding of the guests who were also painted with sandal paste on their forehead in true Indian style.

Marsnal Chiang Kai-shek was presented a pair of silk dhoti and chaddar while Madame Chiang Kai-Shek a piece of lovely silk saree on behalf of the Vishwa-Bharati.

Welcoming Marshal and Madame Chiang Kai-Shek on behalf of the Vishwa-Bharati, Mr. Rathindranath Tagore referred to Poet Rabindranath's sympathy and love for China which knew no bounds " to the very last of his life." He said : " The Poet continued to show undiminished interest in the fate of your country and never ceased to express his admiration for the great qualities of your people, their love of knowledge and the finer pursuits of the mind to which they have held fast even in the turmoil of their life and death struggle."

Remarking that the visit was an honour conferred upon the Vishwa-Bharati and that they would even cherish the memory of this great event in their individual lives and in the annals of this University. Mr. Tagore said that their one regret was that they had not to-day in their midst presiding at this ceremony of welcome one, who alone in his inimitable way could have adequately expressed their thoughts and their joy on this occasion. None indeed would have been happier, he added, than he to welcome them to this Asrama.

Continuing Mr. Tagore observed : " Your Excellency, you are aware of the great admiration my father always had for you and for your noble and heroic spouse and comrade-in-arms, Madame Chiang Kai-Shek. This admiration and his faith in the great future of your land he had voiced on many an occasion, and he looked forward to the day when your people and ours will resuscitate not only their ancient heritage but also that friendship which had once brought them so close together. On such a day as this his spirit would have rejoiced, indeed, I am sure, rejoices even now and in unspoken accents his voice mingles with ours in this welcome to you and the members of your party."

Mr. Tagore stated that the tie which bound the two countries, India and China, was not one of mere political connotation ; it was not an alliance between two States to serve some ephemeral political interest ; for, from the very dawn of history and civilization they two had stood together, in friendship, sympathy and understanding. " Unfortunately the bonds had loosened in course of time, when both China and India held themselves aloof from one another, in their respective isolations and stupor of slumber. From our side, my father was the first to realise the urgency of a revival of friendly contact with China and from the very inception of this University, he had been trying to bring back to life the ancient cultural amity that had once existed between our two peoples. In this, it is gratifying to note, he was considerably successful, as his ideas were enthusiastically reciprocated by the Chinese intellectuals and the leaders of your people. Our Cheena-Bhavana, in the establishment of which, we have the honour to recount, Your Excellency has been personally interested, is to-day the symbol of unity between our two ancient peoples."

Concluding Mr. Tagore expressed the hope that Marshal Chiang Kai-Shek "who personifies the indomitable spirit of deathless China," would lead his people from glory to greater glory.

Replying separately, Madame Chiang Kai-Shek said: "To-day my mind flies back to thousands of students in my own country. Seeing your young faces, I remember with pride and hope the ardent spirit of new China, and I also remember the terrible trial through which they are passing at this hour. Since Japan started her aggression on China, thousands and thousands of our students had to face bombs, tanks and artillery. Their homes and sanctuaries of learning were desecrated and destroyed, but as you know they walked hundreds of miles to new seats of learning provided by the Government in the interior of the country. They kept the mind of China awake and the torch of flaming patriotism burning brighter than ever. In this peaceful land not suffering from Japanese militarism, it may be difficult for you to realise what this means.

I wonder also whether you realise that the principles of humanity demand a dynamic attitude towards life. Absence of hatred would be a dead and cold thing if it does not make it impossible for others to perpetrate wickedness and wrong. You have a great opportunity now to lead millions into freedom and equality. The Japanese bombed our Universities thinking that they were hot-beds of resistance, and our students took the opportunity to make them real hot-beds of resistance. They carried on their work among masses of our people. They led the foundation of a great united China.

"Your noble founder, I believe," she concluded, "wanted you to prepare yourselves to become leaders. He would not remain apart from your people and be mere leader in name only, but bring revival in the generations which have to redeem your nation. I know that if our young people were aware of the possibility of my coming here, they would have sent their warm greetings of fellowship and of their sympathy for you. Your Poet has a place in their heart and has been enshrined in the minds of the Chinese people for all time to come."

Owing to heavy rain, the venue of the reception was changed from the mango grove to the Sinha Sadan.

Girls of Shantiniketan dressed in saffron sarees presented a guard of honour to Marshal and Madame Chiang Kai-shek. Pandit Jawaharlal Nehru supervised the guard of honour.

Marshal and Madame Chiang Kai-shek visited Kala Bhavan and Shree Bhawan. They were treated to tea in the afternoon in Cheena Bhawan which was artistically decorated with Chinese paintings. Later they went to Uttarayan where an entertainment programme had been arranged.

### Marshal Chiang's Message to Indian People

"During my two week's stay in India, I have had the opportunity of discussing very frankly with the highest Civil and Military authorities as well as with my Indian friends the questions concerning joint plans against aggression and the objective of our common efforts. I am happy to find that there was full sympathy and general understanding between us. My mission is now drawing to a close. On the eve of my departure I wish to bid farewell to all my friends in India and to thank you for the many kindnesses showered upon Madame and myself. The briefness of my stay has not permitted me to tell the Indian people all that I wished to say. I avail myself of this opportunity to address to them the following message. It is the expression of my high and warm regard and long-cherished hopes for India. It comes from the depth of my heart.

Since my arrival in this country I have found to my great satisfaction that there exists among the people of India unanmious determination to oppose aggression.

China and India comprise one-half of the World's population. Their common frontier extends to three thousand kilometers. In the two thousand years' history of their intercourse, which has been of a purely cultural and commercial character, there has never been an ardent conflict.

Indeed, nowhere else can one find so long a period of uninterrupted peace between two neighbouring countries. This is irrefutable proof that our two peoples are peace-loving by nature. To-day they have not only identical interests but also the same destiny. For this reason they are in duty bound to side with the anti-aggression countries and fight shoulder to shoulder in order to secure real peace for the whole World.

Moreover, our two peoples have an outstanding virtue in common, namely, the noble spirit of self-sacrifice for the sake of justice and righteousness. It is this traditional spirit which should move them to self-negation for the salvation of mankind. It is also this spirit which has prompted China to be the first to take up arms against aggression and in the present war to ally herself unhesitatingly with the anti-aggression countries not merely for the purpose of securing her own freedom, but also for the purpose of securing justice and freedom for all mankind.

I venture to suggest to my brethren, the people of India, that at this most critical moment in the history of civilization our two peoples should exert themselves to the utmost in the cause of freedom for all mankind for only in a free World could the Chinese and Indian peoples obtain their freedom. Furthermore should freedom be denied to either China or India, there could be no real peace in the World.

The present international situation divides the World into two camps: the aggression camp and the anti-aggression camp. All those who are opposed to aggression and are striving or the freedom of their country and mankind should join the anti-aggression camp. There is no middle course and there is no time to wait for developments. Now is the crucial moment for the whole future of mankind. The issue before us does not concern the dispute of any one man or country ; nor does it concern any specific questions pending between the people and another. Any people therefore which joins the anti-aggression front may be said to co-operate not with any particular country, but with the entire front. This leads us to believe that the Pacific War is a turning point in the history of nationalism. The method, however, by which the peoples of the world could attain their freedom might be different from what it used to be. The anti-aggression nations now expect that in this new era the people of India voluntarily bear their full share of responsibility in the present struggle for the survival of a free world in which India must play a part. A vast majority of the World's opinion is in full sympathy with India's aspiration for freedom. This sympathy, which is so valuable and so difficult to obtain, cannot be appraised in terms of money or material, and should therefore by all means be retained.

The present struggle is one between freedom and slavery, between light and darkness, between good and evil, between resistance and aggression. Should the anti-aggression front lose the war, the civilization of the World would suffer a setback for at least one hundred years and there would be no end to human sufferings.

So far as Asia is concerned, the cruelties committed by Japanese militarists are beyond description. The sufferings and oppression which have been the fate of Formosans and Koreans since their subjugation by Japan should serve as a warning. As regards the barbarities committed by the Japanese army since our war of resistance, the fall of Nanking in December, 1937, is a case in point. Over 2,00,000 civilians were massacred within one

week. For the last five years the civilian population in Free China have been subjected, almost daily, to bombings from the air and bombardment by heavy artillery. In every place invaded by the Japanese troops, men, women and children were either assaulted or killed. Young men and educated people received their special attention with the result that men of intelligence and ideas have been tortured. Nor is this all. Institutions of culture, objects of historical interest and value, and even articles necessary for livelihood, such as cooking utensils, ploughs, tools and domestic animals have been either forcibly taken away or destroyed. In places under Japanese military occupation rape, rapine, incendiarism and murder are of frequent occurrence. Moreover, they have with official connivance everywhere opened opium dens, gambling houses and houses of ill fame in order to sap the vitality of the people and destroy their spirit. Such is the disgraceful conduct of the Japanese, the like of which is not to be found in countries invaded by the other aggressor nations. What I have just said is but an inadequate description of the true state of affairs as reported by Chinese and foreign eye-witnesses.

In these horrible times of savagery and brute force the people of China and their brethren, the people of India, should, for the sake of civilization and human freedom give their united support to the principles embodied in the Atlantic Charter and in the joint declaration of twenty-six nations and ally themselves with the anti-aggression front. I hope they will whole-heartedly join the Allies, namely, China, Great Britain America and Soviet Union, and participate shoulder to shoulder in the struggle for the survival of a free World until complete victory is achieved and the duties incumbent upon them in these troubled times have been fully discharged.

Lastly, I sincerely hope and I confidently believe that our ally, Great Britain without waiting for any demands on the part of the people of India, will as speedily as possible give them real political power so that they may be in a position further to develop their spiritual and material strength and thus realise that their participation in the war is not merely an aid to the anti-aggression nations for securing victory, but also a turning point in their struggle for India's freedom. From an objective point of view, I am of the opinion that this would be the wisest policy which will redound to the credit of the British Empire."

The message of His Excellency Generalissimo Chiang-Kai-Shek to the people of India in Chinese and an English rendering of the same by Madame Chaing-Kai-Shek were broadcast from the Calcutta station of All-India Radio.

The arrival of Chiang-Kai-Shek in India was somewhat sudden and wholly secret. There was first an enquiry so far as the non-official side was concerned from Madam Chiang-Kai-Shek to Jawaharlal Nehru about the latter's movements and the very next information that was received by Jawaharlal was an intimation from Calcutta that the Generalissimo and his wife had reached Calcutta. It is a mystery as to why these two leaders of China came to India, that is to say, whether they came here on the expressed invitation of Government of India or on their own accord. The former is more likely. But one circumstance that does not fit in with that view was the somewhat undue economy in courtesy which was shown towards them by the Government of India. It is widely talked about that the guests were not wholly pleased with the treatment that they got and in any case, the difficulty experienced in their meeting Gandhi has remained a notable fact that should not be neglected in the valuation of this visit. Gandhi was willing to meet Chiang-Kai-Shek anywhere on earth but the question was where

the meeting should be arranged. Lucknow and Benares were thought of. Sevagram was out of the question and finally Chiang-Kai-Shek enquired whether Calcutta would suit Gandhi. With considerable trepidation particularly after that letter, Gandhi wrote to the Generalissimo which the latter said, moved him very deeply and moved him to seek the interview under any circumstances. So it was that the interview was brought about in Calcutta where visits were exchanged and the conversation was long and hearty.

Chiang-Kai-Shek's theme, as is now well known, was that India should join war unconditionally. As against this there was Gandhi uncompromising in his view that India should not participate in this war under any circumstances. There was, therefore, very little common ground between the two unless it be the common ground of the higher culture that united China and India. Mr. Jinnah also met Chiang-Kai-Shek but the translation was done by some person of the staff and not Madam Chiang-Kai-Shek who was translating for Gandhi.

The Generalissimo and Madam Chiang-Kai-Shek both addressed on the radio from Calcutta on the 21st Feb., '42 night and the Generalissimo's message to India was desirable. He expressed his hope that Britain would make the necessary political changes in India and his faith was that Churchill was big enough to do a big thing.

The Generalissimo's visit apart from its undoubted strategic importance had equally a cultural interest not only to India and China but to the whole world, for when the populations of the two ancient countries are compared with that of the world, it will not be difficult to conceive what far-reaching effect the cultural cooperation of a third of the population of the globe should have upon the march of civilization. The English Press took advantage of the Press to ask point-blank " If Britain can do honour to China why should not she clasp India also by the hand as an equal ? " About this very time, a proposition was mooted and a decision was given that the Government of India was invited to send a representative to the British War Cabinet. This announcement roused mixed feelings for in India this was interpreted merely as the repetition somewhat in advance, of the selection of Indians by Lloyd George as representative along with the Colonial Premiers to become members of the Imperial War Cabinet. It will be further remembered how Lloyd George next drafted a resolution,—the seventh on the agenda passed by the Imperial War Conference, giving the Indian representative the same status as the Premiers of the colonies. Sir S. P. Sinha was India's representative in the Great War of 1914-18. To prove that the British Government were sincere about their intentions, Mr. Amery was asked whether he would make it quite clear that the Indian representatives would have equal status with Dominion representatives. And Mr. Amery answered the question in the affirmative. *The Manchester Guardian* stated that the Viceroy should make use of this opportunity by nominating Indians whom India herself would recognize to be her representatives. The *Times* discusses the suggestion in greater detail :

> " It follows the precedent set up during the last War when India was represented in the Imperial War Cabinet from 1917 onwards. There is, however, on this occasion a change significant of the further advance of India towards full Dominion Status. In 1917, Indian representatives in the War Cabinet were nominated by the Secretary of State who was himself one of them. Now the Viceroy has communicated the invitation to his Executive Council with whom the decision rests. There can be no doubt it will be accepted. There will be every desire on the part

of all concerned to appoint representatives qualified to speak with weight and authority for that vast majority of Indian opinion which sees, in the active co-operation with Britain and the other Western powers, the main and necessary bulwark of Indian resistance to the Japanese aggression."

Sir Stafford Cripps had earlier stated that he believed that Britain should give India a complete guarantee of independence immediately after the war.

Amplifying his statement, Sir Stafford Cripps told a *Reuter* reporter :

"In my view the promise of Dominion Status to India should be made perfectly clear in the terms Lord Balfour used in 1926, that is that a dominion would have the right to remain in or outside the British Commonwealth of Nations. That means the right of independence. If this right is promised after the war, then I believe that the present difficulties can be settled on that basis, and no doubt during the war India would be prepared to co-operate in the war-effort, but such co-operation, I believe, is dependent on that promise in clear and distinct terms."

Marshal Chiang-Kai-Shek's coming from the Far East to India has definitely brought together the Eastern Nations once again. In the near East, Nahas Pasha after a few years of waiting and watching once again formed the Egyptian Cabinet in the Near East and the following note from Cairo by *Reuter*, dated Feb. 5 (1942) will be read with interest :

"The British policy is based on sincere co-operation with an independent power and Ally in carrying out the Anglo-Egyptian treaty without interference with Egypt's internal affairs. This assurance is given by the British Ambassador, Sir Miles Lampson, in his reply to a letter from the new Premier Nahas Pasha.

Nahas Pasha, in his letter, said that the base on which he had agreed to form a Cabinet was that neither the Anglo-Egyptian Treaty nor Egypt's position as an Independent Sovereign State could allow Britain to interfere with Egypt's internal affairs. Nahas Pasha also expressed the hope that Sir Miles Lampson would endorse that view by fostering friendly relations in accordance with the treaty terms."

On the 11th February, 1942 Seth Jamnalal, Bajaj, the great philanthropist, politician and man of affairs suddenly passed away. He had been the Treasurer of the Congress for long years, as well as a veteran public worker. He died of heart failure at his residence at Wardha.

Seth Jamnalal Bajaj was born of a Marwari family in Jaipur State in November, 1889.

Seth Bajaj's association with the public life of the country began actively from the year 1920, when he gave up the title of Rao Bahadur, joined the Congress and acted as the Chairman of the Reception Committee of the Nagpur session of the National Congress. Always noted for his readiness to help the country's cause in all ways, including frequent and munificent donations to patriotic endeavours, the very next year, he gave a lakh of rupees to the Tilak Swaraj Fund, collected for the purpose of supporting non-co-operating lawyers who had joined the Civil Disobedience Movement, begun by Gandhiji. Since then the many gifts of Seth Bajaj to similar causes have well exceeded twenty-five lakhs of rupees.

During the last twenty years, there has been practically no important policy or programme of the Indian National Congress, in which Seth Bajaj

has not had a significant part, but the country will remember him most for his varied contribution to Indian social reform and the organization and carrying out of the Constructive Programme of Gandhiji and the Congress. Founder of the Gandhi Seva Sangh at Wardha, the All-India Agarwal Maha Sabha and other institutions for social welfare, he was also the President of the All-India Spinners' Association, continuously since 1921, in which capacity he organised the Khadi industry on a sound basis.

Seth Bajaj's first taste of prison life, in the national cause, came in 1923 when he courted arrest, in connection with what has been known as the "Zenda Satyagraha." a non-violent protest against the action of the Nagpur police who banned a procession carrying the National Flag, under Section 144. Bajaj was the organiser of this movement of protest and the Working Committee of the Congress which met at Nagpur immediately after his arrest, congratulated Sethji on his incarceration and assured him in a special resolution, of its help. Bajaj's car was attached then for realising a fine of Rs. 3,000 but so great was the regard of the citizens for Sethji that his car could not be sold in Nagpur and had to be taken to Kathiawar for disposal. Seth Jamnalal again courted imprisonment in the Civil Disobedience Movements of 1930 and 1932, along with his wife and cheerfully suffered jail life.

One of the most significant and enduring gifts of Sethji is his magnificent Sri Laxminarayan Temple at Wardha, for the 'untouchables' of India, opened in 1928. This is the first temple of its kind in the country.

If as Gandhi maintains, the rich man is a trustee holding his wealth for society, then there is one man who has answered the definition and the demand. If opulence is an aid to service, then there is one man who has employed his opportunities for the alleviation of the sorrows and sufferings of his fellowmen. If *Ahimsa* knows no distinction of friend and foe, nor difference of higher and lower in creation, then there is one man whose receptive and capacious heart went out alike for man and beast. If the duty of man on earth is to lead a full life, then there is one man whose life was as many sided as it was strenuous and as single pointed as it was comprehensive. If life's contribution to this world is measured not by the length of one's years and age but by one's virtues, acquired inborn, then there is one man whose spirit of sacrifice and self-restraint, of non-attachment and humility, of goodwill and fellowship for all marked him out during his short span of two score and twelve as an outstanding personality that will serve as an example to the rich for several generations to come. That was Jamnalal Bajaj.

## CHAPTER XIII

### The Cripps' Mission, 1942

The new year (1942) was marked by strenuous political activity in Britain as well as India. The return of Sir Stafford Cripps from Russia with added laurels in his cap made him the cynosure of all eyes, the observed of all observers and he too was circumspect in his statements. All eyes turned to him as the man for India, the one person who could bring a fresh mind and a fresh viewpoint to bear on the Indian problem. Sir Stafford himself felt attracted by the proposal that he should tackle the Indian problem in India. To the Press he said on Feb. 6, 1942 :—

> " It would attract me very much to go to India if I felt I could do any good to settle the Indian question." It is a question that badly wants settling. It is not a matter primarily for Indians but for Government. When Britain has settled her political policy then I think Indians can be persuaded to agree. The tendency is to shelve responsibility on to the Indian leaders. The first stage is that the British Government has to make up its mind on its policy—a different policy from any so far announced."—Reuter.

Simultaneously with these developments there took place a Cabinet crisis in Egypt. It may be remembered that under the Anglo-Egyptian Treaty of August 6, 1936, Egyptian National Independence was recognised by Britain and the first fruits of it were noticed in the fact that Egypt remained neutral in the Great War. But the Nationalist Party which was able to negotiate that treaty was out of view for some time and Nahas Pasha had been replaced by rectionary forces opposed to the Wafdist Party. While this was so, there occurred a Cabinet crisis in Egypt and Nahas Pasha was asked to form the new Government.

While Britain and India were thus carrying on a wordy warfare between themselves, a new chapter opened in the history of the two great and ancient Asiatic nations—namely, India and China.

By the end of February, 1942 the picture of politics became somewhat overcharged with colour and content. The Egyptian crisis was not without its influence on India. Chiang Kai-Shek's visit and plain talk constituted a valuable element of consideration in the development of Indian politics. The Non-party Leaders in India once again bestirred themselves and made flamboyant speeches under the very nose of the Viceroy in Delhi. The British Parliament was watching these events but was for the nonce only marking time. While the Indian Central Legislature was leisurely discussing the fate of prisoners in India and questions of supply, transport and production. Let us study these overlapping pictures one by one.

The debate in the House of Commons on 24th February, 1942 was interesting. A variety of opinions including that of Lord Samuel and Mr. Stoke were expressed on the floor of the house. Lord Samuel pleaded for the end of the deadlock in view of the necessity to strengthen India's military position. He felt aghast at the thought that India would be invaded and that there were no armies to fight in India. Sir George Schuster dwelt at length on the Government's neglect of recruitment in India and recommended a War Cabinet for India and positive effort to promote unity through it between the communi-

ties. He pleaded for a fresh offer being made by Britain through the establishment of National Government.

Sir Stafford Cripps, the new leader of the House of Commons, replying to the debate said :

> " I now come to the question which has vexed the minds of members from all sides of the House—the question of India. Government are as much concerned as is everybody else with the whole question of the unity and strength of India in the face of the dangers which now threaten that country and they very fully realise that it is important that this country should do its utmost in the present circumstances to make a full contribution towards that unity. I think, however, it would not be profitable to debate so important and vital a question now in a partial manner but Government hope that such a debate will be possible very shortly upon the basis of a Government decision in the matter."

It is no exaggeration to say that much of the attention that might have been spared for war purposes in Britain and equally much of Government's time and attention of the Government of India which might have been usefully spent on something substantially useful to the nation, were diverted to the political questions of the day of which that relating to the political prisoners constitute a predominant item in Delhi.

The third session of the Non-party Leaders' Conference met at Delhi on February 21st (1942) and Dr. Sapru spoke in unequivocal terms on the political situation though the Congress would little agree with his conclusions and demands.

The month of March opened with a tribute to Jawaharlal and Labour greetings to Indian brethren and their Leader as well as congratulations on Nehru's splendid stand.

An event of deep significance took place early in March when Khan Abdul Gaffar Khan resigned for the third time his membership of the Working Committee of the Congress under conditions and for reasons explained in the resignation.

After an interval of over two months, during which under the instructions of the Working Committee, the different Provincial Congress Committees were re-forming themselves, and directing the re-formation of the various District and Taluka Congress Committees, giving special attention to the formation of Peace Brigades, the Working Committee itself was timed to meet on the 17th March to consider the political situation. Was there anything in the situation which demanded the meeting so suddenly ? It was widely rumoured that the British Cabinet had been giving attention to the political deadlock in India. Sir Stafford Cripps' appointment as Leader of the House of Commons had raised him to a high altitude in British politics and made him a towering personality, head and shoulders above the Ameries and the Edens, the Lyttletons and the Attlees. He had already made a statement on the Indian deadlock and suggested concrete changes. There was expected a statement by Mr. Churchill himself on India and the expectation was confirmed by an announcement in the Commons by Sir Stafford Cripps on March 10th (1942) that " the Prime Minister would make a statement at the next sitting of the House with regard to India." The House of Lords would discuss India within the next few days. This was followed by another announcement that Sir Stafford Cripps was proceeding to India on a special mission. The official purpose of the visit was to seek assent to the proposals which the British Government had agreed on to meet the Indian situation and to secure agreement in respect of them.

The proposals themselves were outlined simultaneously with the announcement of Cripps' visit to India. In so far as the object of the visit was declared to be to see that the minorities would not obstruct political progress, nor the majorities over-ride the interests of the minorities, the visit was thrice welcome. It was further stated that the object of the visit was to allay all previous doubts on the subject as well as to compose all differences between groups in India. This again was a laudable object. The genesis of the proposals and their character were foreshadowed by Mr. Churchill in the Commons in the following elaborate speech :

## THE DRAFT DECLARATION

### Premier's statement in the House of Commons on March 11, 1942.

The crisis the affairs of India arising out of the Japanese advance, has made us wish to rally all the forces of Indian life, to guard their land from the menace of the invader. In August 1940, a full statement was made about the aims and policy, we are pursuing in India. This amounted in short to a promise that as soon as possible after the war, India should attain Dominion Status in full freedom and equality with this country and other Dominions under a constitution to be framed by Indians, by agreement among themselves and acceptable to the main elements in the Indian National life. This was, of course, subject to the fulfilment of our obligations for the protection of minorities, including the depressed classes, and of our treaty obligations to the Indian States, and to the settlement of certain lesser matter arising out of our long association with the fortunes of the Indian sub-continent.

However, sir, in order to clothe these general declarations with precision and to convince all classes, races and creeds in India of our sincere resolve, the War Cabinet have agreed unitedly upon conclusions for present and future action which if accepted by India as a whole, would avoid the alternative dangers either that the resistance of a powerful minority might impose an indefinite veto upon the wishes of the majority or that a majority decision might be taken which would be resisted to a point destructive of internal harmony or fatal to the setting up of a new constitution. We had thought of immediately setting for the terms of this attempt, by a constructive British contribution, to aid India in the realization of full self-government, we are, however, apprehensive that to make a public announcement at such a moment as this might do more harm than good. We must first assure ourselves that our scheme would win a reasonable and practical measure of acceptance, and thus promote the concentration of all Indian thought and energies upon the defence of the native soil. We should ill-serve the common cause if we made a declaration which would be rejected by essential elements in the Indian world and which provoked fierce constitutional and communal disputes at a moment when the enemy is at the gates of India.

"Accordingly we propose to send a member of the War Cabinet to India, to satisfy himself upon the spot, by personal consultation that the conclusions upon which we are agreed and which we believe represent a just and final solution, will achieve their purpose. My Rt. Hon'ble friend, the Lord Privy Seal and Leader of the House has volunteered to undertake this task. He carries with him the full confidence of His Majesty's Government and he will strive in their name to procure the necessary measure of assent, not from the Hindu majority, but also from those great minorities, amongst which the Muslims are the most numerous and on many grounds, pre-eminent.

"The Lord Privy Seal will, at the same time, consult with the Viceroy and the Commander-in-Chief upon the Military situation bearing always in mind the paramount responsibility of His Majesty's Government by every means in their power to shield the peoples of India from the perils which now beset them. We must remember that India has a great part to play in the world's struggle for freedom and that her helping hand must be extended in loyal comradeship, to the valiant, Chinese people, who have fought alone so long. We must remember also that India is one of the bases from which the strongest counter blows must be struck at the advance of tyranny and aggression.

"My Rt. Hon'ble friend will set out as soon as convenient and suitable arrangements can be made. I am sure he will command in his task the heartfelt good wishes of all parts of the House and that, meanwhile, no work will be spoken or debates be held here or in India which would add to the burden he has assumed in his mission or lessen the prospect of good result. During my Rt. Hon'ble and learned friend's absence from this House, his duties as Leader will be discharged by my Rt. Hon'ble friend, the Foreign Secretary."

Sir Stafford Cripps issued the following Draft Declaration on behalf of the British Government:

"His Majesty's Government, having considered the anxieties expressed in this country and in India as to the fulfilment of promises made in regard to the future of India, have decided to lay down in precise and clear terms the steps which they propose shall be taken for the earliest possible realization of self-government in India. The object is the creation of a new Indian Union which shall constitute a Dominion associated with the United Kingdom and other Dominions by a common allegiance to the Crown but equal to them in every respect, in no way subordinate in any aspect of its domestic and external affairs.

"His Majesty's Government therefore make the following declaration:

(a) Immediately upon cessation of hostilities, steps shall be taken to set up in India in manner described hereafter an elected body charged with the task of framing a new Constitution for India.

(b) Provision shall be made, as set out below, for participation of Indian States in the Constitution-making Body.

(c) His Majesty's Government undertake to accept and implement forthwith the constitution so framed subject only to (i) The right of any province of British India that is not prepared to accept the new constitution to retain its present constitutional position, provision being made for its subsequent accession if it so decides.

With such non-acceding provinces, should they so desire, His Majesty's Government will be prepared to agree upon a new constitution giving them the same full status as the Indian Union and arrived at by a procedure analogous to that here laid down.

(ii) The signing of a treaty which shall be negotiated between His Majesty's Government and the Constitution-making Body. This treaty will cover all necessary matters arising out of the complete transfer of responsibility from British to Indian hands; it will make provision, in accordance with undertakings given by His Majesty's Government for the protection of racial and religious minorities; but will not impose any restriction on the power of the Indian Union to decide in future its relationship to other member States of the British Commonwealth.

Whether or not an Indian State elects to adhere to the constitution it will be necessary to negotiate a revision of its treaty arrangements so far as this may be required in the new situation.

(d) The Constitution-making Body shall be composed as follows unless the leaders of Indian opinion in the principal communities agree upon some other form before the end of hostilities.

Immediately upon the result being known of provincial elections which will be necessary at the end of hostilities, the entire membership of the Lower House of Provincial Legislatures shall as a single electoral college proceed to the election of the Constitution-making Body by the system of proportional representation. This new body shall be in number about 1/10 of the number of the electoral college.

Indian States shall be invited to appoint representatives in the same proportion as to their total population as in the case of representatives of British India as a whole and with the same powers as British Indian members.

(e) During the critical period which now faces India and until the new constitution can be framed His Majesty's Government must inevitably bear the responsibility for and retain the control and direction of the Defence of India as part of their world war effort but the task of organising to the full the military, moral and material resources of India must be the responsibility of the Government of India with the co-operation of the peoples of India. His Majesty's Government desire and invite the immediate and effective participation of the leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth and of the United Nations. Thus they will be enabled to give their active and constructive help in the discharge of a task which is vital and essential for the future freedom of India."

Sir Stafford Cripps was not going to India for the first time for he had visited Wardha in November 1939. He was well known in Indian legal circles for his eminent position in the profession. So early as in 1932, he was consulted by the Nizam's Government regarding the interpretation of the Treaty Rights of the Nizam in the port of Masulipattam. Sir Stafford was the Attorney-General with the Labour Government of 1929. It was believed in some of the highest Congress quarters that he was feeling a certain compunction of conscience because he had been connected with a Government which was responsible for a black chapter in the History of British connection with India, and was therefore anxious to make suitable amends for it at the earliest opportunity. But it was equally wellknown that Cripps was somewhat of a faddist and even crank.

* * *

The proposals of the British Cabinet of which Sir Stafford was the weighty bearer were kept a closely guarded secret but they got wind within a couple of days of his arrival in Delhi on the 23rd March. The Congress President who was then in Lahore was invited to see him forthwith and on the 25th, Maulana Azad met him and learnt the proposals with mixed feelings for they were bad enough to be rejected but not so bad as to be rejected summarily. So he felt it but fair to summon a meeting of the Working Committee to pronounce its final verdict thereon.

Amongst the invitees was of course Gandhi who was not really keen on seeing Sir Stafford. For one thing, he had known him when he paid Wardha a visit in November 1939—soon after the outbreak of the war. For the rest, Gandhi is not a supporter of participation in War under any conditions and he remembered very well what Oliver Wendell Holmes says in the *Breakfast Table*, when two people differ on fundamentals, they had

better not enter into an argument on such a subject. Nevertheless, Gandhi did go to Delhi and see Cripps as a matter of courtesy because the latter appeared to be anxious to meet him.

Sir Stafford's suavity of manners and sweetness of temper were the subject of general praise and appreciation. Not that he did not lose temper but that his general approach and attitude were marked by a spirit of friendliness which put the visitor at once at ease. Sir Stafford took the earliest opportunity to see the members of the Executive Council of the Viceroy. But the meeting was all too brief and all too uneventful as he contended himself with a bare reading of the proposals he had brought with him and wasted no time in inviting or answering questions or in offering explanations. In his very first interview with the President of the Congress, he explained that the relation of the Viceroy to the new National Government would be the same as that of the British Crown to the British Cabinet. It was this statement that only tempted President Azad to convene a meeting of the Working Committee and constituted the basis presumptive for all the further talks connected with the Cripps' Mission until the Working Committee were wholly disillusioned on the 10th April in the President's final conversation with Sir Stafford. It is rather curious that the earnestness and gravity with which the parties approached one another should have been rooted in an understanding conveyed on the first day of their meeting—only to be set at naught altogether and replaced by a disillusionment which over came all on the last day of the pourparlers.

Sir Stafford's proposals were published on the 30th of April and they made curious reading. They embodied different items palatable to different tastes. To the Congress, there was the preamble which spoke of Dominion Status, the Westminster Act and the right to secede and above all the Constituent Assembly and its right to declare for secession even at the outset. To the Muslim League, there was the highly comforting provision of any province having the right not to accede to the Indian Union. The Princes were not only left free to join or not to join but were given the sole right to send representatives to the Constitutent Assembly and the People of the States were severely left alone, not even treated as goods and chattels which ordinarily at any rate accompany their masters. It did not take long for the Working Committee to see through the British Cabinet Proposals. There was no intention to part with power in them. They were only a means of securing voluntary and augmented participation in war effort through the Congress and the League as representing a slave country—a position which India was not for a moment willing to accept and one which she could not disguise from herself.

The preamble and the substitute for Independence were held over. No bones were broken over it. On the question of a possible Pakistan, the Working Committee were content to make a counterstatement which, while pleading for the creation of conditions which would help the different units in developing a common co-operative national life, stated that the " Working Committee could not think of compelling any territorial unit to remain in the Indian Union against their declared and established will." The Committee added the acceptance of the principle that no changes should be made which would result in fresh problems being created and compulsion being exercised on other substantial groups within that area. Each territorial unit should have the fullest possible autonomy within the Union consistently with a strong National State.

Then there came the third point which related to the States under which, the people of the States were denied the right of sending any repre-

sentatives to the Constituent Assembly. This position naturally and necessarily perturbed them—and their accredited organ—the All-India States' People's Conference could not sleep over the matter. Accordingly the President,—Jawaharlal Nehru, wrote to Sir Stafford Cripps and explained the situation, suggesting the name of the Vice President of the Conference for an interview so as to obtain further elucidation in the matter. This led to an interview as suggested between the Vice President with Sir Stafford Cripps on the 31st March in which the latter explained how the Princes themselves would come round under the moral influence of the Viceroy and the Political Department, the moment the settlement which formed the object of his mission, was signed, and how under such circumstances they (the Princes) would themselves select representatives of the States' People. This was too unexpected and too good a panacea for all the political ills of the States' People to be readily accepted. Sir Stafford's plea that the British Government, being bound by Treaties with the States, could not overlook their terms under which it had no right to compel the Princes to adopt any particular course in electing representatives to the Constituent Assembly. But he had no answer to the statement that only thirty to forty out of the 562 States were treaty-bound and the rest had only *Sanads* or engagements. In effect, his position was that the States' People's chances would depend upon the signing of the settlement for which he had come over to India, as much as to say if there was a settlement all would be well, if there was none, all would be ill. It is much to be regretted that the White Paper published after Sir Stafford's return to London did not contain either the President's letter to Sir Stafford which brought about the interview, or the memorandum presented by the Vice-President.

In any case, when the pourparlers approached their end and when it almost seemed as though they were about to bear fruit, it was understood that an agreement being reached on Defence and National Government, the viewpoint of the Congress on non-accession and the representation of the States' People on the Constituent Assembly should be left on record, even as the British Cabinet's proposals on the two points were. But as ill-luck or good-luck would have it, nothing came out of the visit of Sir Stafford for the time being.

There remained the most important aspect of the negotiations—namely, Defence, which must be dealt with in close detail.

### On Defence.

It was no wonder if the subject of Defence held the field during Sir Stafford Cripps' visit to Delhi and gripped public attention exclusively. The story of the talks between him and the Working Committee of the Congress in the first and second weeks of April 1942 was really a twice-told tale. But there were aspects of the problem which required to be studied by the public as the literature relating to it was as yet a sealed book to them. The proposals of the British Cabinet sent up to India for the approval of the parties in the country, did not include the subject of Defence. Nor was it all. Sir Stafford stated in the very first Press Conference held in Delhi that Defence could not be transferred even if all the parties joined in making a united demand in that behalf. That was clinching. That clinched the decision of the Working Committee of the Congress to reject the Cabinet's Proposals. When this was known through Press forecasts to Sir Stafford, he wrote a polite letter on the 1st April that he would like the President and Jawaharlal Nehru to see the Commander-in-Chief and

followed it up by another of even date to the effect that if they decided to reject the proposals, the rejection should not be published before he had an interview with the President. Earlier, Sir Stafford intimated to the President on the 30th April that

> "the Viceroy would be prepared to consult with Indian leaders on this basis to see whether it were possible to designate an Indian to some office connected with the Government of India's defence responsibilities without in any way impugning upon the functions and duties of the Commander-in-Chief either in his capacity as Supreme Commander of the Armed Forces in India or as the Member of the Executive Council in charge of Defence."

Mark the cautious and diplomatic language,—a mass of verbiage,—all sound and and no substance!

Neither the interviews between the President and Jawaharlal Nehru on the one side and the Commander-in-Chief on the other, nor the one between them and Sir Stafford Cripps produced any results suggesting a change in the decision of the Working Committee. But its resolution was still in abeyance and continued to be so till the 10th April.

In the meantime, Col. Johnson arrived in India on the 3rd April and it was reliably learnt in Delhi that his very first words at the aerodrome, on alighting from his plane were "What about Cripps?" This presents Col. Johnson's arrival in India in a different light to that sought to be associated by Sir Stafford when later he stated in Engand that the Colonel's arrival in India at the head of a Trade Mission was an accidental coincidence.

After a brief study of the British Government's offer, Gandhi was reported to have said to Sir Stafford "Why did you come if this is what you have to offer? If this is your entire proposal to India, I would advise you to take the next plane home." Cripps replied: "I will consider that".

Anyway the fact remained that a new character entered the stage and really captured it. For a week, it looked as though the centre of gravity shifted from Cripps to Johnson, from London to New York, from Churchill to Roosevelt. Col. Johnson himself sent word to Jawaharlal Nehru on the 7th April that he would have liked to see him at the latter's (Jawaharlal's) residence, but feared that it would get publicity and therefore, requested that Jawaharlal might see him at his own (Johnson's) place. This was done. But Sir Stafford raised a controversy in England by saying that Jawaharlal first wanted to see Col. Johnson. Why should Jawaharlal single out Col. Johnson amongst the ten thousand Yankee Tommies then present in Delhi? Cripps' version had no legs to stand upon.

Meanwhile, the firm rejection of the Cabinet's Proposals by the Working Committee—a fact not yet published in the press, prodeced from Sir Stafford a formula on Defence which was wholly inadequate and which was once again rejected. The details of the formula are embodied in the letter of Sir Stafford to the President dated 7-4-42.

According to it the Commander-in-Chief should retain his seat on the Viceroy's Executive Council as War Member and should retain full control over all the War activities. An Indian would be added to the Executive to be in charge of Defence and will deal with Public Relations, Demobilization and Post-war Reconstruction, Petroleum, Representation on the Eastern Group Supply Council, Amenities of troops, Canteen organization and certain non-technical Educational Institutions, Stationery, Printing and forms

for the Army and Social arrangements for all foreign Missions and officers —also Denial policy —Evacuation of threatened area, Signals Co-ordination and Economic Welfare.

It was after the rejection of these proposals that Col. Johnson intervened with a letter which runs as follows :

> " (a) The Defence Department shall be placed in charge of a representative Indian member with the exception of functions to be exercised by the Commender-in-Chief as War Member of the Executive Council.
>
> (b) A War Department will be constituted which will take over such functions of the Defence Department as are not retained by the Defence Member."

It would be noticed that the scheme of Dyarchy contemplated by Sir Stafford in his formula dated 7th gave place to the complete transfer of Defence Department to a representative Indian member with the exception of functions to be exercised by the Commander-in-Chief as War Member of the Executive Council. It was a delegation of functions rather than division. The Working Committee varied this formula. The chief variations related

(a) to the term during which this delegation of functions should be in force ;
(b) to the lists of functions to be retained by the Defence Member and those to be delegated to the Commander-in-Chief as War Member of the Executive Council.

The term which was limited to the duration of the war in the Working Committee's proposals was amended by Sir Stafford as :

" Until the New Constitution comes into operation."

The second change made by Sir Stafford was rather intriguing and even mystifying.

(See Congress—Bulletin No. 2—1942—April 22, pp. 23—24.)

The term " Governmental relations " was vague and ambiguous and required clarification. It was not clear whether it was meant to describe the power of the Commander-in-Chief or only whether it was meant that the various matters mentioned under the four heads were required to go through the channel of the War Department for which the Commander-in-Chief would be member. In an interview which was sought for clarification, on the 10th April, Sir Stafford made it clear that these items represented the powers of the War Department under the Commender-in-Chief and when asked about the lists, referred the President and Jawaharlal on the 10th April back to the earlier lists which had been considered and rejected. This was one of the points that led to the final rejection and the end of the chapter of negotiations, the other being the question of the Cabinet's responsibility to the Legislature. Sir Stafford denies having used the word ' Cabinet ' in his interview with the Maulana on the 25th March as soon as he had arrived in India and if such a responsibility was sought by the Congress, they should go to the Viceroy for it and negotiate it with him.

But there still remains the question as to what the Congress itself would have suggested under division of functions. The Congress had no positive scheme on hand but here is a classification in which all those functions under the first column could be retained by the War Department under the Commander-in-Chief and the rest transferred to the Defence Member.

## DISTRIBUTION OF DUTIES AT ARMY HEADQUARTERS

| *Chief of the General Staff* | *Adjutant General* | *Quarter Master General* | *Secretary, Army Headquarters* | *Financial Adviser.* |
|---|---|---|---|---|
| Military Policy .. | Organising, recruiting, maintaining and mobilizing the Military Forces and their Reserves. | Specification, Inspection, Maintenance and Issue of provisions, forage, fuel, clothing, armaments— | Correspondence of Army Headquarters. | Advice on Financial matters. |
| Operations of War .. | | | Central Registry. | |
| Policy in respect of scales of armament and equipment. | Furlough and Leave. | Munition equipment, General Stores and material and reserves for the above. | Control of procedure at Army Headquarters. | |
| Allotment of Military resources. | Pay and Pensions. | | Secretariat Work of the Military Council. | |
| War Establishment .. | Discipline, Military and Martial Law. | Services responsible for transportation and movements. | Liaison with other Departments of Government of India and Provincial Governments. | |
| Intelligence and Censorship. | Medical Services and Sanitation. | Supply and Transport including farms, armaments, Military Works Equipment and Armament Stores. | Editing of Indian Army list and of all Army regulations, India. | |
| Training & Education.. | Auxiliary Forces. | | | |
| International Law .. | Ceremonial Salutes and Precedents. | Remount. | Issue of orders of Government of India, Army Orders, Army Instruction (India) and Gazette Notifications. | |
| Administration of the General Staff Branch and of grants for above services. | Regimental Records. War Medals. | Veterinary. Cantonment Magistrates and accommodation. | Control of Clerical and subordinate staff at Army Headquarters. | |
| *Chief of the General Staff affiliated to the General Staff.* | Administration of the Adjutant General's branch and of grants for above services. | Purchase of minor supplies not provided in bulk by the Civilian Member responsible for production and provisions. | Administration of grants for above services. | |
| Inspector of Cavalry<br>Inspector of Artillery...<br>Inspector of Engineers & Pioneers. | *Affiliated to the Adjutant-General's Department:*<br>Judge—Advocate General. | Administration of the Quarter Master General's branch, and of grants for the above services. | Military Secretary. Appointments and retirement of Officers—Confidential Reports. | |

DISTRIBUTION OF DUTIES AT ARMY HEADQUARTERS—(*contd.*)

| *Chief of the General Staff* | *Adjutant General* | *Quarter Master General* | *Secretary, Army Headquarters* | *Financial Adviser* |
|---|---|---|---|---|
| Inspector of Infantry .. | | | | |
| Inspector of Signals .. | | | | |
| | | Honours, Rewards, Decorations and Patronage. | Compilation of the Staff lists and custody of records of staff officers. | |
| Commandant, Machine Gun Centre. | | Secretary to Selection Board. | | |
| Adviser on Tanks and Armoured Cars. | | | | |
| Chief Inspector, Gas Services. | | | | |
| Advice on training, organisation, scale and design of equipment. | | | | |
| Co-ordination of Training | | | | |
| Assistance in preparation of Training Manuals. | | | | |
| Inspection of Training Schools and Depots. | | | | |
| Liaison with research and invention. | | | | |
| Commander-in-Chief .. | | | | |
| Air Marshall .. .. | | | | |
| Administration of the Royal Air Force and of the grants for it. | | | | |

## DISTRIBUTION OF DUTIES IN THE CASE OF THE APPOINTMENT OF A SURVEYOR GENERAL OF SUPPLY UNDER THE COMMANDER-IN-CHIEF—INDIA

Commander-in-Chief.
1
1

1

1
1
1
Air Marshall

| 1 Military Secretary. | 1 Chief of General Staff. | 1 Adjutant General | 1 Quarter-Master General. | 1 Surveyor General of Supply. | 1 Secretary, Army Head-quarters | 1 Financial Adviser. | 1 Director, Royal Indian Marine. |
|---|---|---|---|---|---|---|---|
| * | * | * | * | * | * | * | |

(* Member of the Military Council.)

The Duties of the Surveyor General of Supply would be the same as those of the Member for Munitions and Marine, with the exception of the administration of the Royal Indian Marine.

*Distribution of Duties of Member for Munitions and Marine Secretary to Government (Production & Provision)*

Member of Council
1
1

| Controller, Ordnance Factories. | Controller, Clothing Factories. | Military Technical Adviser. Liaison with Army Headquarters (A.H.Q.) | Controller of Contracts | Director, Marine | Royal Indian (Status of Secretary to Government) | 1 Departmental Secretary to Government (R.I.M) |
|---|---|---|---|---|---|---|

Administration of Army Factories, Contracts and the Royal Indian Marine.

Responsibility for meeting army demands in bulk for provisions, forage, fuel, clothing, armaments, ammunitions, general stores and material.

Administration of grants allotted to him by the Commander-in-Chief for the above services.

There was little doubt that Cripps was trying to be clever. It was clear that the Working Committee rejected the proposals successively on three occasions first on the 2nd April, but Cripps wanted it not to be published in the Press. It was then that he sent a formula on Defence which was again rejected on the 7th—but this time it was asked by Col. Johnson not to be published. Then came Col. Johnson with another formula on Defence and this after undergoing several modifications was finally rejected on the 10th April. From these details it is clear that Defence and Cabinet responsibility were the rocks on which Cripps' scheme split. In the face of such a clear position, it was rather clever on the part of Sir Stafford to state on receiving the final rejection, as follows in his letter dated 11th April to the President :—

> " Nor need I go into the question of the division of duties between the Defence Minister and the Commander-in-Chief as War Member with which you deal at length. This division allotted to the Defence Minister all functions outside those actually connected with the General Headquarters, Navy Headquarters and Air Headquarters which are under the Commander-in-Chief as head of the fighting forces in India.
>
> " In addition to these functions in the narrow field of " Defence " it was suggested that all other portfolios relating to that subject such as :—
>
> HOME DEPARTMENT—Internal order, police, refugees, etc.
> FINANCE DEPARTMENT—All war finance in India.
> COMMUNICATIONS DEPARTMENT—Railways, roads, transport, etc.
> SUPPLY DEPARTMENT—Supplies for all forces and munitions.
> INFORMATION AND BROADCASTING DEPARTMENT—— Propaganda, publicity, etc.
> CIVIL DEFENCE DEPARTMENT—A.R.P. and all forms of Civilian defence.
> LEGISLATIVE DEPARTMENT—Regulations and Orders.
> LABOUR DEPARTMENT—Man-power.
> DEFENCE DEPARTMENT—Administration of Indian personnel, etc.

should be put in the hands of representative Indians as members of the Executive Council.

The announcement of Cripps' visit to India had one good feature about it, but it also had one or two snags in it. The good feature was that the British Government now recognized their duty by India and no longer took advantage of the internal differences amongst the groups and communities in India. When before the August (1940) Offer of the Viceroy, His Excellency had invited fifty-two representatives for an interview in single file, he only helped to array the forces in India in mutual hostility. That policy was now given up, for, a mediator was being sent in the person of Cripps to so arrange matters by private consultations that the minority did not obstruct the political progress of the nation, nor offer "a perpetual resistance to the 'majority decision' to a point destructive of internal harmony and fatal to the setting up of a new constitution."

What then were the snags? One was the repetition of the August Offer of 1940 and the addition of the explanation that

> " the present declaration is intended—not to supersede, but to clothe these general declarations with precision and to convince people in India of the War Cabinet's sincere resolve."

All this sounded suspicious and savoured of an anxiety to safeguard British prestige. And until the word *prestige* was wiped out from the political dictionary, there could be no peace in India at any rate.

The second snag was that there was nowhere an indication that Britain was ready to part with power. To those that remembered how Mr. Montagu came in November, 1917 after the famous August announcement of that year and appeared to discuss certain proposals as if they were still open, when they had already been fixed up and shown to Lord (Major) Chelmsford in March, 1916 on his arrival in England from Simla prior to coming out as Viceroy,—to those that remember the story, there appeared to be hardly any difference between then and ' now ' for then too, responsible government was very much in the limelight and it proved the real snare and ' now ' we were treated to a vague, undefined reference to "conclusions upon which we are agreed and which, we believe, represent a just and final solution to achieve the purpose." What was this purpose? One was to promote the concentration of all thought and energies upon the defence of the native soil and the second is to "extend India's helping hand in loyal comradeship to the valiant Chinese people who have fought alone so long."

The issues then that arose from the announcement and the constructive aid in sending a mediator were : Will India defend her soil on the plane of violence and secondly will India make China's cause her own and extend her helping hand to this ancient neighbours of hers on the same plane of violence? Thirdly is the mission of Cripps really to negotiate the assent of India to full participation in war effort as condition precedent to the implementation of the united conclusions of the British Cabinet?

Let us take these issues one by one. There were two ways of defending the soil against an invading enemy. Beat him off by violence while he was arriving or beat him off by boycotting all intercourse with him,—social, commercial and cultural. The latter is on the plane of non-violence. If this is adopted, we must expect China also to do likewise. If, however, *force* is adopted, then it is still an open question, whether in defending her soil, India should join China in a war with which she had nothing to do and by which she would only be inviting danger on herself. The third issue was whether even if Britain was willing to part with power, we should accept power burdened with the condition which apparently Cripps was sent to secure our agreement to, namely, that India should whole-heartedly participate in this war of Britain not only in defending Indian soil, but also in assisting Britain in the five continents of the world, when she had not shed her Imperialism as yet, and when the Imperialistic war was not as yet capable of being interpreted as a people's war by any means. The British Empire was far flung and to protect it, Indian armies had already been taken without India's knowledge or approval. Should India now set her seal upon an act which was forced upon her and become a whole-hearted and an all-out participant in a war in the initiation of which she had no part?

We may record a few facts on the question of a province being free to cut out. The concern of the Sikhs being with their position in North-West India, they were dead against Pakistan and the Sikh All Parties' Committee rejected Cripps' proposal for the reason that they gave the choice to Province to cut out of the Indian Union. They declared " they would resist by all possible means separation of the Punjab from All-India Union." To the

Sikhs, it was sufficiently bad to be cut out from the Indian Union but to be bereft of the Ambala Division (which was the territorial adjustment contemplated by the League's Lahore Resolution of March 1940) was as to allow themselves to be cut up. Moreover when Ambala wsa gone, there would still be 88 millions of non-Muslims in the Punjab and the communal problem would remain much as it was, while the Sikh problem would be an additional complication.

### Cripps and the States

In the States too as in the provinces, there is a mixed population. The States cover an area roughly of a third of India or more correctly two fifths and a fourth of India's population. The Princes were concerned with their own position and permanency and then also paramountcy. Who should be the Paramount power to which they should owe allegiance? Cripps at one time angrily told three Princes who went to see him on the 2nd or 3rd April 1942 that they must settle their affairs with Congress and Gandhi " for we are packing off ". Then there was the question of Partition. It was not really a different question for if Paramountcy should shift from the British Crown to the Indian Union and if there should be more than one Union, to which Union should they attach themselves? Might they not form a Union of their own and cultivate new relations with the British Empire? Yes, the Draft Declaration visualized a new state of affairs, a new set of conditions. It raised and conceded the question of freedom to provinces and States to plump for their own separate Unions so that the old struggles of the principles during the Viceroyalty of Lord Willingdon and Linlithgow, not to join the Indian Federation, no longer confronted them. But while the Provinces could form a separate Union no such prospect was held out to the Princes who were only to revise their treaties with the British Government. Was the British Government adopting their age-long strategy of *divide and rule* once again? Why could the States not form a Union themselves? So their delegation demanded such "a right to form a Union with full sovereign status in accordance with a suitable and agreed procedure devised for the purpose." There is no doubt that if that right were granted, Balkanization of India would have been complete!

Sir Stafford Cripps supplemented the provisions of the Declaration with " off the record " explanation which he gave at Press Conferences. For instance, he stated that a Province might cut out of the Union on a 60 per cent. majority of the representatives in the Legislature and if that could not be obtained on a 51 per cent. majority in a referendum to the people. Mr. Jinnah demanded that the Legislatures should not be concerned with the question of partition but that a plebiscite be taken and that amongst the Muslims only, so that according to him 51 per cent. of the Muslim population which is 57 per cent. of the whole population of the Punjab (which comes to 29 per cent.) could determine partition and likewise 51 per cent. of the Muslim population of Bengal which comes to 54 per cent. in the Province or in other words 27 per cent. of the whole population could determine the separation of Bengal from the Indian Union.

Some of Cripps' interviews may be studied here. Broadcast on the 30th of March 1942 : (1st part).

> " It is for the Indian people *and not any outside authority*, to decide under which of these forms, India will in the future govern herself. If the Indian people ask our help, it will, of course, be gladly given. But it is for you the Indian people to discuss and decide your constitution."

"We shall look on with deep interest and hope that your wisdom will guide you truly in this great adventure."

But then suddenly a new and the threatening chord was struck.

"We are now giving the lead which has been asked for and it is in the hands of the Indians and Indians only whether they will accept that lead.....If they fail to accept this opportunity, the responsibility for that failure must rest with them. Our proposals are definite and precise. If they were to be rejected by the leaders of Indian opinion, there will be neither the time nor the opportunity to reconsider the matter till after the War."

What was worse, in private conversations, Sir Stafford threatened or foretold a repression, the like of which India had never known.

**Press Interview:**

*Q.* Will the Indian Union be entitled to disown its allegiance to the Crown?

*A.* Yes. In order that there shall be no possibility of doubt, we have inserted in the last sentence of paragraph (c) (ii) "but (the proposed treaty) will not impose any restriction on the power of the Indian Union to decide in future its relationship to other member States of the British Commonwealth." The Union would be completely free to remain within or to go without the Commonwealth.

*Q.* Will the Indian Union have the right to enter into a treaty with any other nation in the world?

*A.* Yes.

*Q.* Can the Union join any contiguous foreign country?

*A.* There is nothing to prevent it.

Paragraph (*e*) in the Statement of Sir Stafford Cripps is the operative portion of the Cripps' Declaration and it may be advantageously studied in some detail: "During the critical period which now faces India and until the new constitutin can be framed, His Majesty's Government must inevitably bear the responsibility for and retain control and direction of the Defence of India as part of their world war effort."

**Cripps' 4th Press Interview:**

*Q.* Exactly at what stage does the British Government propose to leave the country?

*A.* As soon as the Constitution-making Body has framed a new constitution to take the place of the old, the British Government undertake to accept and implement the new one and the moment the new constitution comes into operation, the change-over takes place.

*Q.* What happens to the Indian Army?

*A.* So far as the New India is concerned, they can have the whole of the Indian Army and everything else. As soon as the constitution is settled, everything will be transferred to India. This last sentence is interpreted by Prof. Coupland "to cover the services at present controlled by the Secretary of State."

**Exit Cripps**

Cripps came and saw and went. He was in a hurry to go. In fact he had not intended to stay more than two weeks. The later developments regarding Defence and Col. Johnson's appearance on the scene detained him another week. But the end came all of a sudden.

A strange and inscrutable incident took place during the progress of Cripps' Mission in India, on the 8th of April in Delhi. Col. Johnson's formula was being considered and amended by the Working Committee. There was not the faintest suspicion that things were on the brink of failure. On the other hand the atmosphere was charged with a fair measure of optimism. While this was so in India, what happened in New York? Referring in his speech at New York Town Hall on the night of the 7th April to the possibility, that India's spokesmen might reject Cripps' proposals the British Ambassador in America, Lord Halifax, formerly Lord Irwin and ex-Viceroy of India, said :

> " If our best efforts failed the British Government would find itself obliged to do its own duty without the assistance or co-operation of the larger organised Indian parties. We have had no co-operation from the Indian National Congress, the largest and the best organised political party in India. The Congress he said was only a small proportion of whole of India and its exclusive claim to speak for the whole of India was rejected by other bodies of Indians."

Now this speech was delivered on the 7th April and Lord Halifax must have been well briefed from London before he could have made such a speech. Two things are clear therefrom. First that by the 7th April on which day the rejection of the proposals should have been really published in the press but for Johnson's intervention, it was taken for granted in London and the same must have been cabled out to New York that the Cripps' Mission failed. The second point that was clear was that London's anxiety was really to placate America and Lord Halifax's speech was arranged for this purpose. It would, therefore, be no exaggeration to state that the original Cripps' Mission was likewise designed and conducted for satisfying American public opinion.

Whether it was a change in the course of war or in the International situation or whatever else it was, the fact remained that on the evening of the tenth April there was a complete change of attitude characterized by a certain anxiety to close the talks. No sooner had they been terminated than Sir Stafford Cripps assumed a hostile attitude and went on adding to his charges against the Congress. The very first thing he did on the 10th evening after the return of the Congress President and Jawaharlal from 3, Queen Victoria Road was to hasten to Mr. Jinnah's place. Next morning the Working Committee received a sharp and recriminating letter accusing the Congress of a desire to dominate the minorities. It was strange that he should have written in this strain when the Congress had never spoken a word about the number of members that should be given to it or to the Muslim League and other political groups in India. Nor was there ever a talk or suggestion that out of the 14 members, that with the Commander-in-Chief in addition, might form the National Government, the Congress should have majority. If therefore the Congress should have five or six members representing it, any majority that it could ever command must be with the aid of some representative of some minority at some time or other. It was, therefore, a case of minority representatives of one group or another loading the dice. In effect then the scheme of National Government would be so conducted that it would be a minority rule—not a majority rule.

That very evening, Sir Stafford gave a broadcast from Delhi in which he thought fit to omit from the oral delivery, some of the nasty passages incorporated in the written copy presented beforehand and published intact latter in the Press.

That sentence ran thus :—

"This critical and unconstructive attitude, natural enough in the Law Courts or in the market place, is not the best way of arriving at compromise, but compromise there must be if a strong and free India is to come into being."

On the very day, Sir Stafford Cripps declared at a Press Conference that the British Government's draft proposals were withdrawn and they reverted to the position as it was before he came out to India. He admitted that the discussions and negotiations were carried on in the most frank and friendly spirit on all sides and left no bitterness or rancour in their disagreement. A declaration so winning and sweelty worded, one would hardly expect would be followed by a series of attacks against the Congress based on untruth and growing in intensity on each occasion.

On Sir Stafford Cripps' return to England he added a further charge that the Congress Working Committee wanted a change of constiuttion in the middle of the war, although no effort was ever made in that behalf beyond accepting Sir Stafford's own suggestion that a slight constitutional change would be tabled and placed before the Parliament in order to obviate the difficulty arising from the provision in the Act demanding that three members of the National Government should have put in ten years' service under His Majesty's Government. How Sir Stafford could have invented this utter untruth basis of comprehension? Then again he made a statement in the House of Commons' debate in which he accused the Congress of still another folly, as indicated in the following words :

"And no risk could be taken at such a moment as the present on so vital and immediate a matter as the defence of India.

It was extraordinary that the subtle brain of Sir Stafford Cripps should have invented this last excuse for the failure. He nowhere indicated during his stay in Delhi, that the minorities were refusing to consent if Defence was transferred or if National Government was formed, nor had the Sikhs said so nor had the Muslim Executive ever stated it either in their negotiations or in their public resolutions. This point arose for the first time in Parliament and it was amazing that a person of the standing and eminence of Sir Stafford Cripps should have been so hard up for arguments that he felt it necessary to coin one for the occasion.

To sum up then, the proposals of the British Cabinet were, as it has been remarked, appropriately, a cheap but attractive bromide enlargement of the August Offer, or to vary the simile, they were really the still born child of the Cabinet. All that Sir Stafford did in Delhi over a period of twenty days was to restore breathing and life to this still born baby by a process of artificial respiration and by incubation. Strenuous attempts were made in this behalf but they failed although from time to time there appeared to be a sign of the respiratory muscles acting or the cardiac muscles beating but the child was declared dead by the Working Committee so early as on the 31st March, 1942, *i.e.* on the morrow of the publication of the proposals. Only Sir Stafford's request that the rejection should not be published, stayed the hand of the Working Committee from its publication. This was followed by concessions of a halting and limiting character which was more an insult added to injury than an honest attempt to repair the wrong. These held the field till the 8th April by which time, they were again rejected and thereafter all hopes of recovery were given up. But then came a new American Doctor Col. Johnson, with his own recipe and with whom the former Doctor Sir Stafford Cripps held a consultation. The Colonel's prescription also failed and on the 11th morning the babe was buried seven fathom deep.

Sir Alfred Watson, speaking at the East India Association on May 12, a month after Cripps' return from Delhi stated that "the British Cabinet in dealing with India's affairs in a hurry, consistently blundered. He described the right to secede, by which any province or State could stay out of the Union,—as a wrong step. The Congress, by raising the terms for a "settlement, attempted to put the British Government in the wrong as refusing the Nation's demands."

The side-show of Col. Johnson's was destined to provide more than a recreation to the spectator—a mere diversion from the serious and the comic parts that were being enacted by Sir Stafford Cripps himself. Soon after the All-India Congress Committee's sittings at Allahabad, Jawaharlal Nehru paid a visit to the Colonel and it was followed by an announcement that the President's envoy was urgently leaving for America on the 16th May for, on his own statement 'consultation with the President.' " I look forward," he added " to my return to India in the very near future to continue our efforts in our common cause against the common enemy." It is probable that Col. Johnson's personal visit to President Roosevelt was occasioned by the special visit of Mr. Spry, the Private Secretary in India, of Sir Stafford Cripps soon after Cripps' return to England, for it will be remembered that Col. Johnson had said that one day there would be a Johnson version of Cripps' mission.

### Cripps *vs.* Milner

One interesting point that might have arisen and did arise after Cripps' failure and return to England was whether his proposals stood and if so whether they constituted the *minimum* of British offer on which for India to bargain. It may be recalled that Lord Milner's mission which was successfully boycotted in Egypt in 1919 produced certain proposals for the recognition of Egyptian Independence and the cessation of its being regarded as a Protectorate—(while the terms of reference laid down that it should be a British protectorate) one of the proposals was that all departments including External Affairs should be transferred except Finance and Justice—a strange form indeed of Independence. These were communicated to Zaglul Pasha without taking from him a note of acceptance and they were regarded as the minimum offer of Britain. In India altough Sir Stafford Cripps had hastily withdrawn them on the 11th April and left India on the 12th, yet Amery and Churchill repeatedly stated several times that they remained in force in their outline—and in all their " scope and integrity ". Lord Wavell modified them when he urged in his speech of February 17, 1944 and in his letter of August 17, (1944) to Gandhi that there should be agreement of the principal elements in India before National Government could be formed, on the method by which the future constitution might be framed.

Some interesting revelations were made by Louis Fischer regarding the Cripps Mission which deserve to be remembered :

> " While in India, Cripps told members of his staff and non-Englishmen, too, that before he left England he had asked Winston Churchill to remove the Viceroy from office. He had apparently anticipated trouble from the Viceroy. Churchill, according to Cripps, replied that such a step would be inconvenient, and that the Viceroy would not interfere with the negotiations, although Wavell did have the final word on defence questions. Cripps maintained, however, that he had full authority to set up a real Cabinet Government in India. On April (?) this authority was specifically withdrawn in new instructions to Cripps

cabled from London. Cripps was told therein that he could not go beyond the text of the British Government draft declaration unless he obtained the consent of the Viceroy and Wavell. That explains the collapse of the Cripps Mission. The same evening Cripps said that his enemies had defeated him.

" Cripps packed his bags. However, one more effort was made to retrieve the situation. Throughout the month of February, 1942, watching Japan advance in the Far East, President Roosevelt had taken a lively interest in the Indian question, and when the British Cabinet finally decided to send the Cripps Mission to India, the White House dispatched to Churchill a proposal for the solution of the Indian problem. President Roosevelt followed every step of the Cripps negotiations, and when the break came on April, 9 he tried to persuade Churchill to keep Cripps in India and resume the talks. But Cripps did not stay," says Mr. Louis Fischer writing in the "*Nation*" of New York on 26th September, 1942."

" Cripps did not withdraw his promise because he made it without sincerity, he withdrew it because he was stabbed in the back by Englishmen who differed from him." declared Mr. Louis Fischer in reply to Mr. Graham Spry's contribution in the New York "Nation" of November 14, 1942, in which Mr. Spry denied that such a promise was made by Cripps."

## The Treaty

The association of a Free India with the British Commonwealth came with certain implications which are dealt with somewhat frankly by Prof. Coupland under the head of British obligations wherein he says :

" But unlike most of the Dominions, the geographical situation in India would necessitate in peace time the stationing of British forces on Indian soil and their correlation with Indian forces in a joint system of Defence."

This would naturally form the subject of a Treaty between the Governments concerned. The conclusion of such a treaty is contemplated in the Draft Declaration of 1942. It is described as covering all necessary matters arising out of the complete transfer of responsibility from the "British to Indian hands and that an arrangement for British assistance in Defence would be one of these matters was implied at one of the Press Conferences held by Sir Stafford Cripps at Delhi. " No Imperial troops will be retained in this country," he said, " except at the request of or by agreement with the new Indian Union or Unions." There are precedents for such an arrangement. Under the Smuts-Churchill Agreement of 1921, while the Union Government is responsible for the whole coastal defence of South Africa, the British Government is permitted to use the port of Simonstorm as a naval base and to maintain its own naval dockyard there. Under the seventh article of the Anglo-Irish Treaty of 1921, cancelled by agreement in 1938, the defence of certain specified ports was to remain in British hands and facilities were to be provided for coastal defences by air and for storage of oil fuel.—(Coupland). In 1941, an agreement was concluded for the leasing to the U. S. A. of defence bases in Newfoundland, the British Western Indian Island and British Guiana. When Egypt was freed from the British Protectorate and became a wholly independent State, the safety of the Suez Canal, was secured by Article 8 of the " Treaty of alliance between Egypt and Britain" by the right of Britain to station forces in Egyptain territory in the vicinity of Canal in the zone specified in the annexe to the Article.

## The Constituent Assembly

Coupland Says :—

The proposals made by Sir Stafford Cripps in this behalf contemplated an Assembly of 207 members of whom the British Indian representatives would be 185 and those of the States 49—the former being elected out of a single electoral college composed of the Lower Houses of the different Provincial Legislatures on the basis of the total strength and of (Proportional Representation) with a single transferable vote. Compared to the Constituent Assemblies in history, this figure of 207 is relatively small, for as Sir Maurice Gwyer, Ex-Chief Justice, Federal Court of India pointed out, Revolutionary France had an Assembly of 900 members in 1795, a like number in 1848. But they only led to wars and could not restore peace. Likewise the German National Assembly of 500 in 1848 was unsuccessful. The Weimar Republic of 1919 was ushered into existence by an Assembly of 420 and it went by the Board. The Russian Constituent Assembly (1917) met only once. The successful constitutions were, it seems, on the contrary framed by small bodies, *e.g.*, the Philadelphia Convention having average attendance about 30, the Charelotte town and Quebec Conferences having 22 and 23 delegates and the National Conventions of South Africa and Canada being 50 and 30 strong and finally the Constitution of U. S. S. R. being framed by 31.

It is further pointed out that as in America, Canada, Australia and South Africa, the members of the Constituent Assemblies were all the representatives of their respective component Provinces or States. Professor Coupland, therefore, recommended that the whole of British India should not be one single electoral college but that each Provincial Legislature should be one unit.

Professor Coupland further points out how the draft of the South African Union Act was approved by the Legislatures of Cape Colony, Transvaal and the Orange River Free State and by referendum in Natal. The draft of the Australian constitution after discussion in the States Legislatures and subsequent amendment by the Convention was approved of by a referendum in each state. It may be pointed out in regard to the strength of the Constituent Assembly that its work would be done by smaller committees as in the several Round Table Conferences on India in London (1930-31-32) and the conclusions presented to a plenary session for approval. That is the universally acknowledged method all over. If the Constituent Assembly of France in 1795 and 1848 and of Russia in 1917 failed, it was due to the antecedent political conditions but not to the numbers of the Assembly.

There are instances in the past when the British Government had undertaken "to maintain the liberty of the Catholic Religion in the territories annexed from France and in the Quebec Act of 1774, the British Parliament made this undertaking good. They were, however, absolved of such obligation with the Act of 1867.

Professor Coupland has an illuminating note on another aspect of the Treaty.

"The proposal in the Draft Declaration of 1942 for an Anglo-Indian treaty providing for the protection of racial and religious minorities is an unsatisfactory proposal and should be reconsidered." There is one condition and one only on which Indian Nationalism could be expected to accept an external guarantee for the keeping of Indian Laws, that is, if it were international and wholly, not partly, international. For India under a "minority treaty" would be entitled to share in the resentment expressed by the Treaty States in Europe at the fact that the minority obligations are imposed on

them alone and not on other States in which the minority problem likewise exists, and to echo their claims that all such States should submit to such regime. If the United Kingdom for example were willing to undertake specific obligations as to the treatment of the Catholic minority in Northern Ireland or the United States as regards Negroes, or South Africa as regards its Ban Bantu inhabitants (numerically a majority, but in status a minority) and to recognize the right of an International authority, in which India *ex hypothesi* would be represented, to supervise and in the first resort, to enforce the fulfilment of those obligations, then India might conceivably be willing to share in such a system on equal terms with all other Nations concerned. But that condition can be scarcely regarded as practical politics and the guarantee for the operation of the Minority safeguards in the Constitution must therefore be found in the second or domestic alternative, *i.e.* the sovereignty of the Law—every precaution is taken that a minority plaintiff has access to the Courts and that the meaning of the law is interpreted by indisputable authority with right of appeal, provided to the Supreme Court and even an International Court."

The cavalier fashion in which Cripps conducted his mission is best described by one of his own countrymen, Professor Laski whose verdict is given below :—

"The one bright spot in the whole record was the mission of Sir Stafford Cripps for the preparation of which, let it be said with emphasis, Mr. Attlee deserves very great credit. But the Cripps Mission came too late ; it looked more like a counter-move against Japan than a recognition of Indian claims, at any rate to many important Indians. It was carried out far too hurriedly ; frankly, it was more important for Sir Stafford Cripps to go on working for unity in India than to announce the routine of business in the House of Commons. And it had about it, if I may say so without irreverence, something of that British habit which Mr. Kingsley Martin has well described as art of forgiving generously those we have grievously wronged. It was psychologically disastrous for Sir Stafford to go to India in a "take it or leave it" mood, and, on his return, practically announce that we washed our hands of the offer. That was bound to make it look as though our real thought was less the achievement of Indian freedom than of a *coup de main* in the propagandist's art among our allies who contrasted American relations with the Phillippines against British relations with India.

## *BOOK III*

## CHAPTER XIV.

### The Bombay Resolution—Its Genesis and Sequelae.

Cripps had come and gone. The Cripps' Proposals had been rejected by one and all of the notable groups and public bodies in India, though by each for its own reasons. The position was very much like the boycott of the Simon Commission in 1927-29 by the groups and bodies, each on its own grounds. The Congress rejected the Cripps offer in the main because there was no responsibility of the Executive to the Legislature. The freedom of a province to cut out of the union, the exclusion of the States' people from the picture and the virtual reservation of Defence and War, were doubtless additional material factors but they relatively occupied a secondary place. The Muslim League which was ready to accept if the Congress accepted, rejected the offer because the freedom of a province to cut out of the union as embodied in the offer was neither clear nor full to the point of conceding the segmentation of India as desired by it in the demand of Pakistan. The Hindu Maha Sabha rejected the offer because of the principle of dismemberment of Hindusthan even in a rudimentary form. The Sikhs opposed it tooth and nail because their own community would be distributed over two Unions and they claimed the right to form an autonomous unit themselves. To the Depressed Classes there were not, they said, adequate safeguards. The Indian Christians and the Labour leaders spoke in the tone and terms of the Congress. The Radical Democratic Party alone accepted the offer. The States would not have it because whether they joined the Indian Union or not, the new situation would involve a revision of their Treaty Rights. The States' people did not figure in the picture at all and therefore would not look at it.

The reaction to the failure of Cripps' Mission was so sweeping in range and so piercing in intensity that people began to doubt whether *poor* Cripps was the victim of a stab in the back by the British Government or whether *crafty* Cripps was the willing agent of a policy of "Machieavellian dissimulation, profound hypocrisy and perfidy that knew no touch of remorse," as De Quency would say. Suffice it, however, to say that his performance drove one who was nearest to him amongst Congressmen and through whom he had hoped to negotiate his political deal successfully to say : " It is sad beyond measure that a man like Sir Stafford Cripps should allow himself to become the Devil's advocate." So severe a comment was provoked by Sir Stafford's broadcast to America after his return to London and a statement made therein to the effect : " We offered representative Indian political leaders, immediate office in the Viceroy's Executive Council a body of ministers like those who advise your (American) President." Was that so ? Was it not a gross untruth, not merely a ' terminological inexactitude ? Was it not indeed a barefaced misrepresentation ? That was not the only misstatement that lay to his guilt. In saying that the Congress majority wanted to tyrannize over the minorities, that Col. Johnson's intervention was solicited by a Congressman, that the proposals were rejected by the Congress at Gandhi's instigation and that Gandhi had characterized the offer as a post-dated cheque on a crashing bank, in denying that he (Cripps) had used the word ' Cabinet ' along with various other expressions in the course of exploring the constitutional possibilities and that he used it in a loose sense and not in

the strict constitutional meaning of the 'term', Sir Stafford piled up a number of untruths and half-truths which greatly redounded to his discredit and made his whilom friends and admirers, his sworn enemies. The same lies were taken up by statesmen, journalists, authors and propagandists and were being spread from the Atlantic to the Pacific, from Europe to America, from Parliament to Congress, from platform to pulpit. Politicians copied it, Bishops and Archbishops solemnized it and evangelists gave it out as Gospel truth. Let us hear what Shaw has to say on such lies :

> "Now when a lie is popular,—all fairy tales of miracles are,—it is impossible to overtake it once it gets a start. However often and authoritatively it may be disproved, ignorant people keep repeating it and journalists keep copying from one another until they cease to want to believe it. Then, and not till then, it dies a natural death. But the death is a very lingering one. It may easily last a century and a half, if I may judge from the number of lies found out and exposed in my boyhood which are still rampant at the end of my long life.
>
> "The Lord Melbourne who guided Queen Victoria when she came to the throne, is reputed to have set his back to the door at a meeting of his Cabinet and said, 'I don't care what damned lie we must tell, but not a man of you shall leave this room until we have all agreed to tell the same damned lie.' Whether this tale be true or not, the most honest statesman has to govern the people by telling them what it is good for them to believe whether it is true or not. If it is proved to be false next week, it will not matter in England, as the English people never remember a political speech longer than the interval between the morning papers and the evening ones."

But Gandhi was neither a statesman nor a journalist, neither a scurvy politician nor a designing propagandist. He is a prophet and philosopher, a moral man in an immoral society. His plan is to meet untruth with truth, to overcome darkness by light, to conquer death through life. He is firmly convinced that "an adjustment of social conflict caused by the disproportion of power in society will hardly result in justice as long as the disproportion lasts." His ultimate purpose is to find "political methods which will offer the most promise of achieving an ethical, social goal for society. He therefore began his campaign late in April 1942. "Whatever the consequences, therefore, to India, her real safety and Britain's too lies in orderly and timely British withdrawal from India." That was the remedy to the disproportion in power which lay at the root of all the ills in the world. Nor was this the first time that Gandhi had suggested such a withdrawal. In making his rejoinder to one of Mr. Amery's provoking speeches delivered in the Commons on April 22, 1941 regarding the need for agreement amongst the political parties in India, Gandhi said "Why do not British statesmen admit that it is after all a domestic quarrel? *Let them withdraw* from India and I promise that the Congress and the League and all other parties will find it to their interest to come together." Gandhi felt "convinced that the British presence is the incentive for the Japanese attack." "I am convinced that the time has come for the British and the Indians to be reconciled to complete separation from each other." "Complete and immediate orderly withdrawal of the British from India at least in reality.....will at once put the Allied cause on a completely moral basis.

"The first condition of British success is the undoing of the wrong."

"I ask every Briton to support me in my appeal to the British at this hour to retire from every Asiatic and African possession.

" And when one puts moral, in the scales, there is nothing but gain to Britain, India and the world."

" India does not belong to Indians. It has been called a British possession. No contribution made to a conqueror can be truly described as voluntary."

" The all-pervading distrust and falsity makes life worthless unless one resists it with one's whole soul."

" I ask for a bloodless end of an unnatural domination and for a new era."

" Leave India to God and if that be too much, leave her to anarchy."

" The beauty and the necessity for withdrawal lies in its being immediate."

Gandhi further elaborated how there should be unadulterated non-violent non-co-operation against the Japanese and advised people not to give quarter to them and to be ready to risk loss of several million lives. He asserted how he used to say that his moral support was entirely with Britain but " today my mind refuses to give that moral support. Both Britain and America lack the moral basis for engaging in this war unless they put their houses in order. They have no right to talk about protecting democracies and civilization until the canker of white superiority is destroyed in its entirety."

" People must not on any account lean on the Japanese to get rid of British power."

" Hearty co-operation and co-ordination is impossible where mutual trust and respect are wanting."

" Assuming that the National Government is formed, its first act would be to enter into a treaty with the United Nations for defensive operations against aggressive powers." Then Gandhi proceeded to explain what withdrawal means: " Who knows that Britain's acceptance of my proposal will not by itself mean an honourable end of the war resulting in a change even in the mentality of Axis powers, that allied troops might remain under a treaty with the Government of Free India and at the United Nations' expense for repelling Japanese attack and helping China, inasmuch as the abrupt withdrawal of all the allied troops might result in Japan's occupation of India and China's sure fall."

In these and other statements which later became the subject of fierce accusations by Lord Linlithgow and Mr. Amery, Gandhi laid down certain definite and incontestible propositions, namely, that India is held

(1) by force by Britain as an ally in Imperialism,
(2) that the war is being fought for freeing conquered nations from clutches of the Axis powers,
(3) that the Allied nations which affect to bring about such freedom should themselves not be guilty of a like deprivation of freedom of countries which they had involved in this war of Liberation,
(4) that India is such a country and Britain is such an offender, therefore, Britain and the Allied Nations fighting on her side, lack the moral basis for the war they wage,
(5) that India then must first be freed and that will constitute their (Britishers') moral pedestal,
(6) that a treaty should next be made with India fixing the conditions on which British and the Allied troops may continue during the war in India,
(7) that India will be thus saved by this orderly and well meaning withdrawal from anarchy, that by withdrawal no physical withdrawal of every Englishman was meant; 'I meant the

withdrawal of British domination and so every Englishman in India can convert himself into a friend; 'withdraw' means 'withdraw as masters',

that 'there is no room left for negotiations in the proposal for withdrawal'; Gandhi did not say "there is no room left in the proposal for withdrawal or negotiation," as was alleged by Government,

(8) that the real answer to the demand for an agreement of all the groups is furnished in Gandhi's statement:—"You do not need the consent of a slave to free him. The slave often hugs the chains of slavery." If part of India so hugs, it does not mean that the whole of India should remain enchained. Congress contends that the objecting part as well as the demanding part must both be freed alike and at once,

(9) that Britain's withdrawal will give a reality to India's internal situation and bring together the various groups in union and fellowship,

(10) that this step may itself lead to a most honourable peace all round.

In making these startling statements and demands of the British, Gandhi was only "thinking aloud" as he himself stated in one of his articles. Later on, on 5-7-42, he wrote "I had not given expression to the whole idea in my mind. It is not my nature to work out and produce a finished thing all at once"' He makes a statement of Himalayan heights, Pacific depths and terrestrial girths. His critics pick a stone here or a drop there or a cloud elsewhere and take them for the whole. These scintillations of a soul undimmed by the smoke-screen of strategy and diplomacy, were too dazzling not only to the Imperialist rulers that held sway over India but even to some of Gandhi's own colleagues. Not that there were radical differences between one group and another, but the approach of the two wings differed as spirit differs from intellect. The events at the Allahabad session of the All-India Congress Committee (April-May 1942) as has already been pointed out, revealed these differences in approach and attitude. Gandhi's absence from that momentous session added greatly to the difficulties. Nor did the difficulties disappear in the succeeding months. Although Gandhi's wording was not accepted at Allahabad by the Working Committee, yet the spirit of Gandhi won in that the Working Committee and the A.I.C.C. decided upon adopting an attitude of non-violent non-co-operation against an invading Japanese army. Professor Coupland's comment that "Pandit Nehru, it appeared, had protested that the whole tenour of Gandhi's draft was in favour of Japan and revealed a belief that the Axis powers would win the war"—a view earlier presented by Government in their brochure on "Congress Responsibility for August Disturtbances" is entirely misplaced. Drafts are for criticism. No draft is perfect nor final and its interpretation is the more difficult in the absence of the author during discussions. It is well known how a convocation of critics sat over the first lines of Goldsmith's "Traveller"

"Remote, unfriended, melancholy, slow."

And too, what Jawaharlal said was that the wording was apt to be interpreted in a particular manner. The draft of a telegram is scrutinized in a variety of ways and examined from the standpoint of various misinterpretations. One such misinterpretation was contemplated and sought to be guarded against by Jawaharlal. It was the legitimate function of the Working Committee thus to scrutinize all drafts. Nor was the Professor correct in saying that "Pandit Nehru had surrendered. (Vol. II, p. 298)

Up to this point he had consistently preached violent resistance to the Japanese and he had spoken to that effect, when Sir Stafford Cripps was at Delhi and even later. Now he had subscribed to non-violent non-co-operation as the only method of defence against invasion." Did Jawaharlal offer to fight the Japanese irrespective of what the British did or said to India's demand? If so there was no quarrel at all. But the quarrel between India and Britain had been there before the Allahabad session of the A. I. C. C. and continued to be thereafter. The threat of Japanese invasion petered out. The broader issue, however, remained. What should India do to solve her problem of deliverance from slavery? The failure of the Cripps' Mission should lead to its own logical and inevitable corollary. India could not sit with folded hands or stretch them out in abject mendicancy. Nor would loud remonstrances and long resolutions frighten her rulers into parting with power. She had no alternative but to intensify her non-violent fight against the British. Individual Civil Disobedience had already been tried on a limited scale and for a limited objective. Though the campaign had been conducted on a small scale, yet it was orderly and even effective. Jawaharlal Nehru and Maulana Azad had been released on December 3rd (1941) after over 14 months' imprisonment and in less than three months thereafter Cripps visited India. Three more months had hardly elapsed when a whole world of events took place in the Indian political world. In July 1942, the Working Committee met at Wardha and laid their plans for a mass campaign.

Before passing on to the events of July 14th, we must refer here to an important episode in Congress history relating to Shree C. Rajagopalachari's attitude towards Gandhi's plans. He did not identify himself with Gandhian principles cent per cent. We have already seen how he broke away from the overriding authority of the principle of non-violence and now he began to urge that the Muslim League's demand must be complied with in order to establish that united and common front which the British would then no longer be able to resist. He had hastily held a Party meeting of the Legislature on the 23rd April in Madras and rushed through it two resolutions,—one in favour of conceding Pakistan and the other in favour of reforming the Congress Ministry in Madras. He moved the first of them at the A.I.C.C. at Allahabad and was defeated by an overwhelming majority (120 to 15) while the second was withdrawn. It was then that as a positive statement of Congress position, that Shree Jagat Narain Lal's resolution which was not on the agenda but was sponsored by over 60 members was brought in and passed (by 92 for and 17 against) which stated that any proposal to disintegrate India by giving liberty to any state or territorial unit to secede from the Indian Union or Federation would be highly detrimental to the best interests of the people of the different States and Provinces and the country as a whole and the Congress cannot agree to any such proposal." C. R. had already resigned his membership of the Working Committee in order to be able to move the aforesaid resolution. And when he was defeated, nothing daunted, he gave notice that he would carry on his agitation on those lines. By July 12th (1942) he was so self-assertive and rebellious that at the instance of Sardar Vallabhbhai Patel, President, Parliamentary Board, Gandhi wrote to C. R. advising him to resign his membership of the Madras Legislative Assembly and even the primary membership of the Congress. These he did on July 15th. Bhulabhai J. Desai had also resigned his membership of the Working Committee in the 1st week of July owing to ill-health. With this background, we may now proceed to study the developments of July 1942.

The Working Committee had a long session in July '42 from the 6th to the 14th. It met in a tense atmosphere in which conflict prevailed in an unusual measure. Time and again unorthodox members of the Working Committee were thrown helplessly back on the Gandhian cult. A storm raged in the breast of one and all, on the eve of the great decision of August for which the July deliberations had paved the way. Certain broad conclusions, however, were common to both wings. India in bondage enfeebles her for her own defence, apart from being an evil in itself. For the safety of the world as well as for the ending of Nazism, Fascism, Militarism and Imperialism, British Rule in India must end forthwith. Neither the pursuit of the policy of non-embarrassment of Britain in this war (1939 Sept. to 1940 Oct.) nor the studied moderation of India's protest through a campaign of Individual Civil Disobedience, (1940 Oct. to 1941 Oct.), had stirred the conscience of Britain. On the contrary the failure of Cripps' Mission led to a rapid and widespread increase of ill-will towards Britain which, the Working Committee feared, would lead in turn to a passive acceptance by the Indian people of Japanese aggression. It could only be neutralized and converted into positive goodwill towards Britain by helping India to feel the glow of freedom. Nor did the communal differences have a chance of settlement so long as the third party continued to exercise domination. The proposal of withdrawal of British Government was meant to be carried out with goodwill which in its turn would help the formation of a Provisional Government. An earnest appeal was made to the British Government to accept the proposal.

India was really at cross roads.

The resolution passed by the Working Committee at Wardha in the second week of July, was one which, though it had not taken the country by surprise, was at the same time based upon policies and principles seemingly opposed to those by which the Working Committee had sworn during the previous three years. The Congress had always avowed sympathy with the democratic powers and therefore, with the United Nations engaged in the war, and expressed in clear terms their antipathy to Fascism and Nazism. and in pursuance of this policy, the Working Committee had scrupulously adopted an attitude of non-embarrassment of the British in this war. The Wardha Resolution, however, appeared to be capable of being interpreted in the opposite way. For one thing, it was stated by responsible men that for India to engage Britain now in a non-violent campaign, would be practically extending an invitation to Japan to invade the country and would be a reversal of the policy of non-embarrassment. At first sight such an interpretation and such a criticism appeared plausible and therefore the resolution must be examined with a view to reconciling its wording with the past avowals of the Congress.

It is true that the Congress had adopted the policy of non-embarrassment by postponing its campaign of Civil Disobedience till November 1940, *i.e.*, for a year and two months since the outbreak of the war, and the reason was, as has been stated by the critics themselves, that it had sympathy with the democratic group of nations and hostility towards Fascism and Nazism. It was stated when Individual Civil Disobedience was started on the slogan based upon freedom of speech, that it relaxed its adherence to the principle of non-embarrassment. At the same time, however, the campaign of Civil Disobedience inaugurated in October 1940, was so methodical and so well-regulated that while, on the one hand, it might be regarded as a breach of the policy of non-embarrassment, on the other hand, it exposed itself to the criticism that it was an eyewash. The truth lay midway between the two

criticisms in the fact that non-embarrassment would not go to the point of self-extinction. If this little explanation was borne in mind, it would be easy also to understand the development of later events culminating in the Wardha Resolution of the middle of July. There is a continuity of thought coursing along the steps and stages through which the Congress had taken its campaign, now of silent waiting, and now of anxious inquiry, now of gentle protest and now of stern revolt. Let us examine this policy and see whether this culmination was not inevitable.

It is unnecessary to reiterate all those events that had happened since the outbreak of the war in the way of interrogatories and replies, offers and rejections, as between the Congress and Government and Government and the Congress. From the outset, the Congress was offering co-operation in the war but co-operation, as a free and equal partner in the vicissitudes of war and not as a slave. Two cardinal things have to be remembered—first, that the Congress would not allow India to join a war without her consent and, secondly, the country's participation in the war could only be based upon the immediate recognition of the independence of India and the admission of the right of this ancient country to determine its own destiny and to participate in war effort, when it chose to do so, out of its own free will. The Poona Offer was but a step in this direction. The negotiations with Cripps was the logical culmination of the Poona Offer. Cripps' visit proved, however, a disappointment to India as was well known forthwith throughout the world. If the conservative elements of Britain still proclaimed that the Cripps' offer was the maximum limit to which she could go, one could only interpret it as the diehard cry of a nation that would not learn a lesson from its past. The result of Cripps' visit was a gain to Britain and not to India, for Cripps gained four points for his country : namely,

(1) The tacit consent of the Congress to a temporary arrangement under which India would agree to be a Dominion with the right to secede.
(2) India's silent assent to the immediate political solution not comprising the peoples of the States.
(3) India's passive acquiescence to each side making its statement on the question of Pakistan without either committing itself to a definite decision, and finally
(4) The approval, for the time being, of the Congress to a division of powers during the war under Defence.

All these concessions, if we may so term them, since lapsed altogether so far as India was concerned, and it is not likely that in any scheme of negotiations that England might set on foot in the future, she would take up the threads of past pourparler at their broken ends and try to continue them. After the departure of Sir Stafford Cripps and the events that followed it, India's path of duty was clear before her vision. Let us study the situation briefly.

The bombing of Cocanada and Vizagapatam took place on April 6, 1942 during Cripps' stay in Delhi. The evacuation of Madras and the towns and the cities along the eastern coast of India was done at the instance of the authorities and was the immediate consequence of the bombing and the sighting of the Japanese ships in the waters of the Bay of Bengal and the consequent panic which spread from Trincomalee in Ceylon to Calcutta. It was taken for granted that India would shortly be invaded by the Japanese. What was India to do under the circumstances if the enemy should invade this country ? Should she resign herself to her fate like the *dhoby's* donkey

that was frightened by the news of its sale to another *dhoby* or was India to prepare herself for stern resistance against the threatened invasion and the threatening invader? This is not a matter of strategy. It was no military affair, for India was a stranger both to strategy and military tactics. She had no weapons. There was much loose talk about the time that Indians should offer guerilla fight against the Japanese. But guerilla warfare could only be carried on with the aid of weapons and India had no weapons on the Viceroy's own admission, for he stated that there were not enough weapons in the country even for the trained armies. Therefore, guerilla warfare was an impossibility, apart from the larger question of violence and non-violence. There were two courses open before the country, a stern psychological and moral resistance to the invader or a silent submission to the enemy. The problem was, therefore, a psychological one and only a psychological approach would save the nation from the attitude of helplessness and impotence which has been nurtured in the country for over 150 years. Here was India, the victim of an old and long-standing aggression, which was asked silently to reconcile herself to it and, at the same time, here was an invader threatening the invasion of the country against which the old aggressor wanted his victim to protest and to fight for all that India was worth. Now, then, it came to this, that India must accept her past slavery uncomplainingly but must protest against the new slavery with all her might and main, and with all her strength and spirit. This was a psychological impossibility. To submit to past aggression breeds the spirit of submission to future aggression as well. If the fate of India was to be silent sufferance of the past encroachments upon her liberty, then the same fate would naturally be considered by Indians, long accustomed to the doctrine of pre-destination, as dictating an equally silent reconciliation to the coming misfortunes of life. Therefore, not to resist British aggression was to invite Japanese invasion. Really then, the Congress came to a conclusion which was just the reverse of the charge. And this conclusion was arrived at by judging the problem not from the physical standpoint, for that way India had no place or personality, no independent judgment or independent means, but by a psychological approach to it. It was not merely psychological but ethical also in its character, for it was the man-in-the-street, unsophisticated by English education and the prizes and preferments that it brought in its train, that had to answer the Congress and his answer was plain, namely that aggression was aggression whether it was old or new and there could be no thought of resisting the new aggression while the soul of man was being stirred to its very depths in protest against the old. This is the reply to those that ask the question whether the Congress has not betrayed its own avowals and principles. Non-embarrassments is very good, but non-embarrassment cannot be unilateral. The Congress strove its best not to embarrass Britain but Britain was continually embarrassing the country and the most difficult of these embarrassments arose with the threats of enemy invasion. What should she do in this crisis? She was impaled upon the horns of a dilemma and could not easily get rid of a difficult situation without taking a firm and final decision.

But to the careful reader of the resolution who is not carried away by the first impressions created in his mind by the reports that had reached him, it was evident that the resolution of the Working Committee was not as yet an immediate call to arms. The Committee had restated its case with the utmost scrupulousness and self-respect and had gone the length of "pleading with the British Government." to accept the highly just proposal of the Congress. The demand was that India should be rid of the incubus of foreign domination

by the British withdrawing their rule with goodwill. It was not with goodwill that Britain withdrew from Malaya or Singapore or Burma. Britain's withdrawal was forced at the point of the bayonet and the people of those three countries were later subject to a double attack,—on one side by Japan and, on the other side, by Britain herself. The result was that these countries were tossed about from pillar to post and subjected to buffers incidental to and resulting from conflict with both and it was this that generated ill-will in them towards both. India was anxious to avoid such a contingency, and therefore, exhorted England to save India from the miserable fate that has overtaken her sister countries in South East Asia. After all, to withdraw from India would be an act of justice in itself and one wholly in conformity with the ideals and the avowals associated with the war.

Here may appropriately be incorporated the Working Committee's resolution of July 1942.

**Resolution passed by the Working Committee at Wardha on July 14, 1942:**

"Events happening from day to day, and the experience that the people of India are passing through, confirm the opinion of Congressmen that British rule in India must end immediately, not merely because foreign domination, even at its best, is an evil in itself and a continuing injury to the subject people, but because India in bondage can play no effective part in defending herself and in affecting the fortunes of the war that is desolating humanity. The freedom of India is thus necessary not *only in the interest of India* but also for *the safety of the world* and for the ending of Nazism, Fascism, Militarism and other forms of imperialism, and the aggression of one nation over another.

Ever since the outbreak of the world war, the Congress has studiedly pursued a policy of non-embarrassment. Even at the risk of making its Satyagraha ineffective, it deliberately gave it a symbolic character, in the hope that this policy of non-embarrassment, carried to its logical extreme, would be duly appreciated and that real power would be transferred to popular representatives, so as to enable the nation to make its fullest contribution towards the realisation of human freedom throughout the world, which is in danger of being crushed. It had also hoped that negatively nothing would be done which was calculated to tighten Britain's stranglehold on India.

These hopes have, however, been dashed to pieces. The abortive Cripps Proposals showed in the clearest possible manner that there was no change in the British Government's attitude towards India and that the British hold on India was in no way to be relaxed. In the negotiations with Sir Stafford Cripps, Congress representatives tried their utmost to achieve a minimum, consistent with the national demand, but to no avail. This frustration has resulted in a rapid and widespread increase of ill-will against Britain and a growing satisfaction at the success of Japanese arms. The Working Committee view this development with grave apprehension as this, unless checked, will inevitably lead to a passive acceptance of aggression. The Committee hold that all aggression must be resisted, for any submission to it must mean the degradation of the Indian people and the continuation of their subjection. The Congress is anxious to avoid the experience of Malaya, Singapore and Burma and desires to build up resistance to any aggression on or invasion of India by the Japanese or any foreign power.

The Congress would change the present ill-will against Britain into goodwill and make India a willing partner in a joint enterprise of securing freedom for the nations and peoples of the world and in the trials and tribulations which accompany it. This is only possible if India feels the glow of freedom.

The Congress representatives have tried their utmost to bring about a solution of the communal tangle. But this has been made impossible by the presence of the foreign Power whose long record has been to pursue relentlessly the policy of divide and rule. Only after the ending of foreign domination and intervention, can the present unreality give place to reality, and the people of India, belonging to all groups and parties, face India's problems and solve them on a mutually agreed basis. The present political parties, formed chiefly with a view to attract the attention of and influence the British Power, will then probably cease to function. For the first time in India's history, realisation will come home that princes, jagirdars, zamindars, and propertied and monied classes, drive their wealth and property from the workers in the fields and factories and elsewhere, to whom essentially power and authority must belong. On the withdrawal of British Rule in India, responsible men and women of the country will come together to form a Provisional Government, representative of all important sections of the people of India, which will later evolve a scheme whereby a Constituent Assembly can be convened in order to prepare a constitution for the government of India acceptable to all sections of the people. Representatives of Free India and representatives of Great Britain will confer together for the adjustment of future relations and for the co-operation of the two countries as allies in the common task of meeting aggression. It is the earnest desire of the Congress to enable India to resist aggression effectively with the people's united will and strength behind it.

In making the proposal for the withdrawal of British Rule from India, the Congress has no desire whatsoever to embarrass Great Britain or the Allied Powers in their prosecution of the war, or in any way to encourage aggression on India or increased pressure on China by the Japanese or any other Power associated with the Axis group. Nor does the Congress intend to jeopardise the defensive capacity of the Allied Powers. The Congress is therefore agreeable to the stationing of the armed forces of the Allies in India, should they so desire, in order to ward off and resist Japanese or other aggression, and to protect and help China.

The proposal of withdrawal of the British Power from India was never intended to mean the physical withdrawal of all Britishers from India, and certainly not of those who would make India their home and live there as citizens and as equals with the others. If such withdrawal takes place with goodwill, it would result in establishing a stable Provisional Government in India and co-operation between this Government and the United Nations in resisting aggression and helping China.

The Congress realises that there may be risks involved in such a course. Such risks, however, have to be faced by any country in order to achieve freedom and, more especially at the present critical juncture, in order to save the country and the larger cause of freedom the world over from far greater risks and perils.

While, therefore, the Congress is impatient to achieve the national purpose, it wishes to take no hasty step and would like to avoid, in so far as is possible, any course of action that might embarrass the United Nations. The Congress would plead with the British Power to accept the very reasonable and just proposal herein made, not only in the interest of India but also that of Britain and of the cause of freedom to which the United Nations proclaim their adherence.

Should, however, this appeal fail, the Congress cannot view without the gravest apprehension the continuation of the present state of affairs, involving a progressive deterioration in the situation and weakening of India's

will and power to resist aggression. The Congress will then be reluctantly compelled to utilise all the non-violent strength it might have gathered since 1920, when it adopted Non-violence as part of its policy for the vindication of political rights and liberty. Such a widespread struggle would inevitably be under the leadership of Gandhiji. As the issues raised are of the most vital and far-reaching importance to the people of India as well as to the peoples of the United Nations, the Working Committee refer them to the All-India Congress Committee for final decision. For this purpose the A.I.C.C. will meet in Bombay on the seventh of August, 1942.

In this connection one may recall what De Valera had said to Britain in 1925 :

> " Your baneful influence on the past has been responsible for political divisions in this country. Remove that influence. It is a thing that you ought to do for justice's sake. If you do it you deserve no thanks whatever for doing justice, but yet because there are in our country a political minority who wish to have association with you, we are ready to meet the desire of that minority on the condition that the minority will give loyal allegiance to this nation as a single State."

Britain repeatedly announced the fact that she is giving independence to India immediately after the war. Britain, therefore, had to answer two questions. Will Britain's chances of receiving the best of India's help be better when she makes India a willing partner now and here in the war-effort by making her a free nation ? Or, will she get large help by forcing India's participation as a slave nation in this gigantic war effort without which Britain would feel naturally weaker ? There can only be one answer from any thinking person. Do today what you need and not postpone it till to-morrow. The postponement will only result in general ill-will, suspicion and apathy. The Congress resolution has made no secret of, what the Congress considers to be, the inclination of the mass of the population as between Japan and Britain. Now, the Congress is sincerely anxious to fight the general feeling so described in the resolution with all its strength. If you want to destroy a certain passion in a person,you must substitute for it an equally compelling or a still more overriding passion. The man that should be weaned from his alcohol should be treated to tea or coffee. If the unreasonable inclination of the Indian populace towards Japan is to be subdued, that passion begotten of prejudice, disgust and hatred, must be replaced by a counter-passion which engages the affections of the Indian people and appeals to their minds much more intimately than anything else. Such a passion is the passion for one's own independence.

Tell the Indian people that they are free,—free as air, free as the birds in the sky and the fish in the sea, and they would be willing to sacrifice their all in order to support their own freedom which must be protected as much against the invasion of a new aggressor as from the tentacles of an old occupant. This is the rationale and this is the psychology of the Working Committee's resolution of July 1942. Whether the mass action that has been visualised in the operative clause of the resolution is destined to come into being depends largely upon England's own wisdom and foresight. It is up to Britain to avoid this complication at a criitical stage in Britain's history as well as India's and it is up to Britain's allies whom India cannot, of course, directly address in the matter, to intercede and do their best to ensure their own victory by engaging the millions of India and her untold resources on the side of the United Nations. In the World War I, it was a crime to address America. Now it is a weekly happening ever since Col.

Johnson set foot in Delhi on April 3, 1942. It is not India that entreats America but it is America that appeals to India to put forth India's best effort on the side of the democratic nations. In the first World War, (1914-18) when Mrs. Besant had sent Mr. and Mrs. Hotchner to President Wilson to plead India's case, Mr. Montagu grew red with rage but in 1942 Col. Johnson, the personal envoy of President Roosevelt, addressed India saying,

"Oh good peole of India, give us your confidence, as we will give you ours."

It is for Britain and America to influence each other in the direction of effecting speedily and in the fullest measure, India's emancipation from the grip of the British and, latterly, from that of 'the Anglo-American Commonwealth.' That would secure victory for the Allies and save Britain and India much avoidable misery and bind them together by indissoluble ties of mutual regard.

The lapse of wellnigh two months since this resolution was passed and the events that happened during this interval left no alternative to the A.I.C.C. that met in Bombay to approve of and endorse the Working Committee's resolution and pass it in substantially the same language though with small differences in the nature of emphasis and clarification.

## RESOLUTION PASSED BY THE A. I. C. C. ON AUGUST 7 & 8 1942 IN BOMBAY.

### On the Recommendation of the Working Committee.

"The All-India Congress Committee has given the most careful consideration to the reference made to it by the Working Committee in their resolution dated July 14, 1942, and to subsequent events, including the development of the war situation, the utterances of responsible spokesmen of the British Government, and the comments and criticisms made in India and abroad. The Committee approves of and endorses that resolution and is of opinion that events subsequent to it have given it further justification, and have made it clear that the immediate ending of British rule in India is an urgent necessity, both for the sake of India and for the success of the cause of the United Nations. The continuation of that rule is degrading and enfeebling India and making her progressively less capable of defending herself and of contributing to the cause of world freedom.

The Committee has viewed with dismay the deterioration of the situation on the Russian and Chinese fronts and conveys to the Russian and Chinese peoples its high appreciation of their heroism in defence of their freedom. This increasing peril makes it incumbent on all those who strive for freedom and who sympathise with the victims of aggression, to examine the foundations of the policy so far pursued by the Allied Nations, which have led to repeated and disastrous failure. It is not by adhering to such aims and policies and methods that failure can be converted into success, for past experience has shown that failure is inherent in them. These policies have been based not on freedom so much as on the domination of subject and colonial countries, and the continuation of the imperialist tradition and method. The possession of empire, instead of adding to the strength of the ruling Power, has become a burden and curse. India, the classic land of modern imperialism, has become the crux of the question, for by the freedom of India will Britain and the United Nations be judged, and the peoples of Asia and Africa be filled with hope and enthusiasm. The ending of British rule in this country is thus a vital and immediate issue on which depend the future of the war

and the success of freedom and democracy. A free India will assure this success by throwing all her great resources in the struggle for freedom and against the aggression of Nazism, Fascism and Imperialism. This will not only affect materially the fortunes of the war, but will bring all subject and oppressed humanity on the side of the United Nations, and give these Nations, whose ally India would be, the moral and spiritual leadership of the world. India in bondage will continue to be the symbol of British imperialism and the taint of that imperialism will affect the fortunes of all the United Nations.

The peril of today, therefore, necessitates the independence of India and the ending of British domination. No future promises or guarantees can affect the present situation or meet that peril. They cannot produce the needed psychological effect on the mind of the masses. Only the glow of freedom now can release that energy and enthusiasm of millions of people which will immediately transform the nature of the war.

The A. I. C. C. therefore repeats with all emphasis the demand for the withdrawal of the British Power from India. On the declaration of India's independence, a Provisional Government will be formed and Free India will become an ally of the United Nations, sharing with them in the trials and tribulations of the joint enterprise of the struggle for freedom. The Provisional Government can only be formed by the co-operation of the principal parties and groups in the country. It will thus be a composite government representative of all important sections of the people of India. Its primary functions must be to defend India and resist aggression with all the armed as well as the non-violent forces at its command, together with its Allied powers, to promote the well-being and progress of the workers in the fields and factories and elsewhere, to whom essentially all power and authority must belong The Provisional Government will evolve a scheme for a Constituent Assembly which will prepare a constitution for the Government of India acceptable to all sections of the people. This constitution, according to the Congress view, should be a federal one, with the largest measure of autonomy for the future relations between India and the Allied Nations will be adjusted by representatives of all these free countries conferring together for their mutual advantage and for their co-operation in the common task of resisting aggression. Freedom will enable India to resist aggression effectively with the people's united will and strength behind it.

The freedom of India must be the symbol of and prelude to this freedom of all other Asiatic nations under foreign domination. Burma, Malaya, Indo-China, the Dutch Indies, Iran and Iraq must also attain their complete freedom. It must be clearly understood that such of these countries as are under Japanese control now must not subsequently be placed under the rule or control of any other Colonial Power.

While the A. I. C. C. must primarily be concerned with the independence and defence of India in this hour of danger, the Committee is of opinion that the future peace, security and ordered progress of the world demand a World Federation of free nations, and on no other basis can the problems of the modern world be solved. Such a World Federation would ensure the freedom of its constituent nations, the prevention of aggression and exploitation by one nation over another, the protection of national minorities, the advancement of all backward areas and peoples, and the pooling of the world's resources for the common good of all. On the establishment of such a World Federation, disarmament would be practicable in all countries, national armies, navies and air forces would no longer be necessary, and a World Federal Defence Force would keep the world peace and prevent aggression.

An independent India would gladly join such a World Federation and co-operate on an equal basis with other nations in the solution of international problems.

Such a Federation should be open to all nations who agree with its fundamental principles. In view of the war, however, the Federation must inevitably, start with, the United Nations. Such a step taken now will have a most powerful effect on the war, on the peoples of the Axis countries, and on the peace to come.

The Committee regretfully realises, however, that despite the tragic and overwhelming lessons of the war and the perils that overhang the world, the governments of few countries are yet prepared to take this inevitable step towards World Federation. The reactions of the British Government and the misguided criticisms of the foreign press also make it clear that even the obvious demand for India's independence is resisted, though this has been made essentially, to meet the present peril and to enable India to defend herself and help China and Russia in their hour of need. The Committee is anxious not to embarrass in any way the defence of China or Russia, whose freedom is precious and must be preserved, or to jeoparadise the defensive capacity of the United Nations. But the peril grows both to India and these nations, and inaction and submission to a foreign administration at this stage is not only degrading India and reducing her capacity to defend herself and resist aggression, but is no answer to that growing peril and is no service to the peoples of the United Nations. The earnest appeal of the Working Committee to Great Britain and the United Nations has so far met with no response, and the criticisms made in many foreign quarters have shown an ignorance of India's and the world's need, and sometimes even hostility to India's freedom, which is significant of a mentality of domination and racial superiority which cannot be tolerated by a proud people conscious of their strength and of the justice of their cause.

The A. I. C. C. would yet again, at this last moment, in the interest of world freedom, renew this appeal to Britain and the United Nations. But the Committee feels that it is no longer justified in holding the nation back from endeavouring to assert its will against an imperialist and authoritarian government which dominates over it and prevents it from functioning in its own interest and in the interest of humanity. The Committee resolves, therefore, to sanction for the vindication of India's inalienable right to freedom and independence, the starting of a mass struggle on non-violent lines on the widest possible scale, so that the country might utilise all the non-violent strength it has gathered during the last twenty-two years of peaceful struggle. Such a struggle must inevitably be under the leadership of Gandhiji and the Committee requests him to take the lead and guide the nation in the steps to be taken.

The Committee appeals to the people of India to face the dangers and hardships that will fall to their lot with courage and endurance, and to hold together under the leadership of Gandhiji, and carry out his instructions as disciplined soldiers of Indian freedom. They must remember that non-violence is the basis of this movement. A time may come when it may not be possible to issue instructions or for instructions to reach our people, and when no Congress Committees can function. When this happens, every man and woman, who is participating in this movement must function for himself or herself within the four corners of the general instructions issued. Every Indian who desires freedom and strives for it must be his own guide urging him on along the hard road where there is no resting place and which leads ultimately to the independence and deliverance of India.

Lastly, whilst the A. I. C. C. has stated its own view of the future governance under free India the A. I. C. C. wishes to make it quite clear to all concerned that by embarking on mass struggle it has no intention of gaining power for the Congress. The power, when it comes, will belong to the whole people of India.

The resolution emphasised India's subjection as degrading to her morally and enfeebling her in her war efforts. The possession of Empire is a burden and a curse and aims and policies based thereon make failure inherent in them. Future promises of freedom cannot produce the necessary psychological and moral effect on the masses. The Provisional Government and the Constitutent Assembly leading to a Federal India and the World Federation, are referred to, the last of these being, to start with, confined to the United Nations with India as a free and independent member thereof. The resolution concludes with an appeal to Britain and the sequel of mass Civil Disobedience in case of Britain's failure to respond. Three points are added anew in this resolution. The first is that the primary functions of the Provisional Government " must be to defend India and resist aggression with *all the armed as well as the non-violent* forces at its command," the second is that in describing the future Federal structure, it is explicitly stated or to be accurate restated* that " the constitution should be a Federal one with the largest measure of Automomy for the Federating Units and *with the residuary* powers resting in these units " and the third is that the Freedom of India should be the symbol of and prelude to the Freedom of Burma, Malaya, Indo-China, Dutch Indies, Iran and Iraq which must not be placed under the rule or control of any other colonial power.

The A. I. C. C. met on the 7th and 8th of August in the midst of the utmost tension alike on part of its members and of the public. The House looked not like a Committee meeting but like a miniature Congress with an audience well nigh twenty thousand in numbers. Bombay knows no niggardliness and has perhaps made the best reputation for hospitality and minute attention to details. The atmosphere in which the deliberations began was suddenly changed by the friendly attitude of a leading Muslim—Dr. Abdul Latif of Hyderabad (Deccan) who had been working out the plans of Pakistan for some time, and who suddenly came out with a criticism of the non-possumus attitude of the Muslim League on the question and suggesting that the League should give up the demand of Pakistan and address itself to the question of National Government. Letters passed between him and the President of the Congress in which the latter reiterated the position that whatever was stated by the Congress Working Committee in Delhi recognizing the right of a territorial unit to self-determination, remained intact and was not disturbed or discounted by the Allahabad Resolution opposing Pakistan, moved by Pandit Jagat Narain Lal. Gandhi himself passed a note to a common friend who came with an enquiry after a conversation with Mr. Jinnah to the effect that the offer made by the Congress President to the British that they might transfer authority to any community (Muslim League to take over the National Government) was not merely rhetorical but was seriously meant. Nor was the Congress in any indecent haste or unnecessary hurry to inaugurate Mass Civil Disobedience before fully exploring the last chance of a peaceful and friendly settlement by a talk with the Viceroy and if necessary by addressing China and America, the other members of the United Nations, on the subject.

* This clause relating to the residuary powers is but the virtual repetition of a resolution passed by the Working Committee in July 1931 on the eve of the 2nd Round Table Conference.

If Government entertained any hope of the A. I. C. C. throwing out the resolution of the Working Committee, the proceedings of the former proved them to be altogether wrong. Nor was Government off its guard. As subsequent events showed they had made all necessary preparations to combat the Congress movement from the very moment when the Working Committee had passed their resolution in July at Wardha. The meeting of the A. I. C. C., they held, was but a concession to the Congress constitution. The amendments to the Resolution were more or less of a formal nature and all of them were withdrawn except the one sponsored by the Communists. This group had since sometime after Russia joined the war (June 1941) adopted the attitude of calling the War a People's war and urging participation in War effort under instructions, as was widely believed, from their Headquarters in London. They stood accordingly for efforts towards communal unity and for helping the United Nations in India's Defence. The A. I. C. C. resolution was moved by Pandit Jawaharlal Nehru and seconded by Sardar Vallabhbhai J. Patel and was passed with but thirteen voting against (twelve of whom were Communists and the thirteenth, the father of a Communist).

To recall the thoughts and sentiments expressed by the speakers, would be not merely interesting but helpful in understanding the plan and purpose of the Congress decision. Jawaharlal Nehru in replying to the criticisms, explained how wholly wrong were the Communists and how the stand taken up by them was altogether without mass support. The American and the British view of war, he said, appeared to be determined by a count of the Tanks and Planes at their command. But the real need of the hour was to shift the emphasis from the physical to the moral plane. What mattered was the popular support of the Asiatic and the African people for the war on hand. The flame that would be kindled by passing the resolution of the day would illumine the darkened horizon right up from the Caucasus to Chungking. Referring to the Communal tangle he described how the Congress had even been denied the right to select its own representatives, for the League would not have a Muslim on the Congress Committee of negotiation. This was an insult to the Congress and its President,—the Maulana. It might be that the Congress made mistakes in their attempts towards a settlement of the Communal problem, but its conscience was clear, for the attempts that were made were both strenuous and sincere and they were all frustrated. The resolution represented the voice of India,—the voice of oppressed humanity. The Congress was in dead earnest about its demand, but the offer of co-operation embodied in its resolution could only be on terms of equality with the other free nations of the world. India would not co-operate as a slave. It was regrettable that the leaders of the West refused to think in terms of elemental changes which moved humanity. Mr. Churchill addressing the House of Rerpresentatives at Washington still talked of the two branches of the Anglo-Saxon race, marching in majesty, but, however, thrilling it might be to the Anglo-Saxon race, the fact remained that there were other Nationalities in the world, and Asia at any rate was not going to tolerate such a picture. Indian nationalism itself had outlived its narrow limits of the earlier days and hitched itself to broader internationalism. Indians knew what subjection was more than any one else. They had suffered it for so long a period that they would throw off the shackles into the fire and emerge as a free people or be reduced to dust and ashes.

The Maulana referred to his offer at Allahabad of appointing a Committee for negotiation with the League. In his final speech after the resolution was passed, he counselled patience and said that if they did not hasten

Mass Civil Disobedience, it was only to strengthen the ground under their feet. He himself intended writing to President Roosevelt and the Generalissimo in Chungking.

Gandhi spoke after the resolution was passed. Verily Gandhi spoke like a prophet in a moment of inspiration, full of fire, purifying by its flames, but consuming by its contact, rising from the sordid depths of politics to the sublime heights of humanity, fellowship on earth and of peace and goodwill to mankind,—in a world—full of the spirit Divine. Indeed he spoke as the great leveller up of the nations, the friend of the poor, the uplifter of the depressed and the emancipator of the enslaved. He spoke in the spirit of the famous words of Abraham Lincoln " With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in to do all which may achieve and cherish a just and lasting peace amongst ourselves and with all nations."

Gandhi spoke really as the chief servant of the Nation and as such appealed to the United Nations not to miss the opportunity of a lifetime. As such too, he called on all Indians to feel and behave as Free men and had a word to say to the Press and the Princes, to the students and the teachers, to Government servants and the public.

> " I take up my task of leading you in this struggle, not as your commander, not as your controller, but as the humble servant of you all and he who serves best becomes the chief among them. I am the chief servant of the Nation that is how I look at it," declared Gandhi and in winding up his speech, he added " I want to share all the shocks that you have to face."

Gandhi recited the substance of the foreign criticism of his movement by saying that he " knew he had forfeited the privilege of the friendship and the trust of many of his friends, in India and abroad so much so that they had then begun, some to doubt his wisdom, and others even to doubt his honesty.

> " My wisdom is not such a treasure that I cannot afford to loose, but honesty is a precious treasure to me."
>
> " I must suppress the voice within me. That voice tells me that I shall have to fight against the whole world, and stand alone; it also tells me, ' you are safe, so long as you stare the world in the face, although the world may have bloodshot eyes. Do not fear that world but go ahead with the fear of God in you'....I want to live the whole span of my life. But I do not think I shall live so long. When I am gone, India will be free and not only India will be free, but the whole world will be free."

He doubted whether England or America was free as he understood freedom and as he would interprete the freedom he had seen and experienced

> " What crime has the Congress committed in demanding Independence of India today?" asked Gandhi.
>
> " Is it wrong to do so, is it right to distrust that organization? I hope England won't do it. I hope it won't be done by the President of the United States, and by the Chinese Generalissimo, Marshal Chiang-Kai Shek, who is still fighting desperate battles with Japan for

his existence. Even if all the world's nations opposed me, even if the whole of India tried to persuade me that I am wrong, I will go ahead—not for India's sake alone, but for the sake of the world."

Gandhi declared that Britain had given India the greatest provocations but in spite of all that "We won't hit below the belt. We have too far progressed in real gentlemanly fashion. We will not stoop to any such thing." Concluding, Gandhi said, "I have pledged the Congress and the Congress will do or die."

Gandhi dwelt at length upon the Hindu-Muslim problem and said in clear terms "I have no mental reservation on the issue of Pakistan. Whatever happens, Pakistan cannot be outside Hindusthan. Let all of us strive for the Independence of India. I am very impatient. It is freedom for all, and not for any particular community we are striving for. I wholeheartedly endorse the Maulana Saheb's offer to the British that India be handed over to any community. I would not be sorry if the authority is transferred to the Muslim masses for they are Indians after all. India is the homeland of Indian Muslims. The door is open for the Muslims. They can capture the Congress and change its policy. The Congress is a democratic body. Let the Hindus also know that they will have to fight for all including minorities. Let them be ready to lay down their lives for saving the lives of the Muslims. It is the first lesson in *Ahimsa*. One must be tolerant towards his neighbour. Let the Muslims and others also follow this advice.

"It is going to be a mass struggle. There is nothing secret about our plans. It is an open campaign. But yet see the circular of Puckle Saheb.* It is utterly impossible to crush the Congress with the air of mushroom parties. We are opposing an Empire and ours is a straight fight. Let there be no mistake about it, no confusion either. There should be no subterranean activity. Those who undertake underground activities will come to grief.

When Gandhi sat on the platform on the 8th August to roll out his measured periods of solemn advice to the people and equally solemn warning to Government, he was not unaware of the weak points in his armoury and came fully prepared with adequate protection against all possible attacks directed against them. The Hindu-Muslim differences were the first and foremost of those points and when he was about to address the audience before him and the Government around him, he had the confidence of being able to negotiate a settlement with Mr. Jinnah. What he had up his sleeve was not known to the public. The fact was that that very day, he had addressed a letter to Mr. Jinnah with regard to what was aptly called the "Interim arrangement during the war."

With regard to the interim arrangement, a writer named "Candidus" reproduced in the *Times of India* dated 19th August, the transcript of notes dictated to him by the late Mr. Mahadev Desai, being extracts from correspondence between a Muslim citizen of Bombay and Gandhi a few hours before the arrests:

*Letter to Gandhi*: "Today I had a friendly talk with M. D. (Mr. Mahadev Desai) about the statement of Maulana Abul Kalam Azad regarding the handing over of power to the Muslim League. As I had doubts about the implications of that statement, I asked M. D. to

* Published later.

explain it to me. Public interests demand that it should be clarified and elucidated. In consequence of my talk with M. D. I took upon myself to see Mr. Jinnah and convey to him the explanation given by M. D. Mr. Jinnah told me that he would carefully consider any offer or any proposition. He had made serious allegations about the offer, but if he was convinced of the *bona fides* behind it, he would gladly withdraw the same and express regret. This I think was most reasonable on his part.

*Gandhi's reply* : "With reference to your letter giving me the purport of your conversations today with the Quaid-e-Azam, I wish to say in as clear language as possible that when in a *Harijan* article, I reproduced Maulana Azad's published offer to the Muslim League, I meant it to be a serious offer in every sense of the term. Let me explain it again for your edification. Provided the Muslim League co-operated fully with the Congress demand for immediate independence without the slightest reservation, subject of course to the proviso that independent India will permit the operations of the Allied armies in order to check Axis aggression and thus to help both China and Russia, the Congress will have no objection to the British Government transferring all the powers it today exercises, to the Muslim League on behalf of the whole of India, including the so-called Indian India. And the Congress will not only not obstruct any Government that the Muslim League may form on behalf of the people, but will even join the Government in running the machinery of the free State. This is meant in all seriousness and sincerity. Naturally I cannot give all the implications of the offer and its far-reaching consequences in a hurried reply to your note. You are at liberty to show this to Quaid-e-Azam and to any person, who is interested in the question of immediate independence for India and of a free India."

Gandhi publicly stated that before launching the struggle he would write to the Viceroy and await his reply. He anticipated a clear margin of two or three weeks and exhorted the country to persevere in the Constructive Programme in all its thirteen points and mind the following instructions :—

1. The Press should discharge its obligation and duties freely and fearlessly and not allow itself to be cowed down or bribed by Government. Let the Press be ready to be closed down rather than allow itself to be misused by the authorities ; and then to be prepared to sacrifice their buildings, machinery and big establishment. Let the Press disown the undertaking given to Government by the Editors' Conference Standing Committee. Let that be their reply to Puckle Sahib. Let it not sacrifice its self respect and submit to humiliations.

2. Addressing the Princes, Gandhi said :—

"Let the Princes know that I am their well-wisher. My father had been a Dewan. I myself was born in a State. I have eaten their salt. I do not want to be unworthy of that salt. The Princes should rise to the occasion. Let them read the signs of the times and part with the responsibility of the administration to their subjects and inform the Political Department accordingly. If they failed to do these, they will have no quarter in Free India. Let the Princes shear themselves of their autocracy.

3. Gandhi said regarding the character and conduct of the movement,
"Let there be no secrecy. Secrecy is a sin. There should be no underground activity."
4. Addressing the students and Professors, Gandhi urged that
"they should imbibe the spirit of Freedom. They should stand by the Congress and have the courage to say that they are for the Congress. Should the emergency arise, they should abandon their occupation and careers."
5. Referring to Government servants, Gandhi's advise was that
"there is no need for them immediately to resign but they should write to Government to say that they were with the Congress."

On the part of Congressmen themselves, there was general unanimity of view on what must be done after the failure of the Cripps' Mission. And if there was between Gandhi and Jawaharlal Nehru as well wholehearted agreement it would mean a perfect unanimity of opinion in the country between the old and the young, the pure Satyagrahi of the East and the realistic politician of the West. It would not, however, be denied that there were differences of standpoint between the two, even earlier in regard to the July Resolution but they were easily bridged. What the position was on 9th June is given by Fischer in his *A Week with Gandhi*.

> "Nehru was now in complete agreement with Gandhi about the coming campaign. He had hesitated to follow Gandhi, because he had hoped that President Roosevelt, or Chiang Kai-Shek or somebody else would intervene in the Indian situation, break the Anglo-Indian deadlock and make organised opposition to the British."

Events, however, developed and with them, gentle differences later, on the Working Committee Resolution of July and the August Resolution of Bombay. On the propriety of passing those resolutions at that juncture, there was an honest difference of opinion. The wisdom of issuing an ultimatum soon after Cripps' abrupt departure and of the withdrawal of His Majesty's Government's offer was seriously questioned. To remain inactive, and in utter darkness after the failure of the Cripps' Mission was like allowing a boat to drift on the high seas without sails or rudder. But the view was piously held that if only we had patiently waited for five or six months, our terms would have been accepted and a revised offer issued by Government. This ignores the nature of the British people. It was the late Lokamanya that held the view that whatever discussion or negotiation was possible or useful was so only before the British took the final step. Once this step was taken, they would be adamant and brave any amount of resistance to it. Ignoring this aspect of the matter, the dissentients argued that Gandhi made the biggest blunder of his life in a quarter of a century (1919-42) when he issued the ultimatum based upon an expectation of orderly fight, stage after stage. He hoped to be able to build brick over brick in the wall of Indian resistance. That would have been so, argued the opposition, if he had been left there as the first brick on which to build. But he did not visualize or did not believe in the possibility of such an orderliness being ruled out of Court by the simultaneous and instantaneous arrests that the British Government had planned and carried out. Those who held such a view did not, for one moment, question the leadership of Gandhi. But on a particular issue, a difference of opinion was expressed. They also admitted that though the Congress might have erred in judgment, the blow suffered

by Government was even greater than that which fell on the Congress. The simultaneous arrests enraged the people and left them without a leader and some of the activities took their own course in the direction of violence as a reply to the leonine violence of Government themselves and the situation went out of hand for a time.

It has been stated that there was a distinct and influential view expressed both at Wardha and Bombay, in favour of waiting in the hope that international pressure might bring round Britain to a saner view. In favour of this view, the attitude of Col. Johnson based upon his correspondence with Roosevelt might have been,—indeed was—invoked and it was said that as a matter of fact, a cable was received by Cripps at Karachi on 12th April. 1942 that he should not leave India, but he thought it was too late. Beyond this there was no further ground for the expectation—that any renewed offer might be forthcoming. To sit, therefore, idle at a juncture when wanton insult was offered to India by the attitude, talks and abrupt decision of Cripps, would be to court disaster. Let it be granted for the sake of argument that it was a mistake to issue an ultimatum at such a crisis, that indeed it was tantamount to courting Japanese invasion, but at its worst interpretation, the *mistake* could not be a moral one, it would only be one of tactics. In a new method of solution of a national problem to effect emancipation from foreign yoke, judgment on the question of tactics was bound to differ and so long as the moral issue was not clouded, so long was it not open to anyone to blame the Congress—even for its error of judgment. The one over-bearing consideration was whether India was to 'lie (low) at the proud foot of the conqueror' after having prepared the nation since 1927 to beware of a coming war. To Gandhi it was predominantly—yea, overwhelmingly,—a moral issue. His vision was clear. His steps were graduated. He was to see the Viceroy and then decide whether or not he was to organize Mass Civil Disobedience. But meanwhile the sudden and wholesale arrests that took place on 9-8'42 broke the whole plan. That their possibility was not anticipated or provided for was perhaps a defect of organization which was planned on the basis of Gandhi remaining free to conduct the movement as the General, as indeed he had done during the 1940-41 (Individual Civil Disobedience) Movement. But perhaps he was too optimistic in counting upon his friends' hip with Lord Linlithgow. Friendship with an Englishman in India only meant better security for English rule, a challenge to which would break the friendship forthwith!

It was argued by some that Gandhi's letter 'To Every Briton' was tactless and that this aspect should have been evident to him since at that stage it was inconceivable that Britain could ever be convinced on the side of non-violence and that the letter would, therefore, be considered pro-German, on account fo his unsolicited counsel to Britain to surrender. Similar would be the effect, it was argued, of his letter to Hitler. Here is the text of a short letter which Gandhi had written to Hitler on July 22. (*Harijan* 9-9-1939).

> "Friends have been urging me to write to you for the sake of humanity. But I have resisted their request because of the feeling that any letter from me would be an impertinence. Something tells me that I must not calculate and that I must make my appeal for what it may be worth. It is quite clear that you are today the one person in the world who can prevent a war which may reduce humanity to the savage state. Must you pay that price for an object, however worthy it may appear to you to be? Will you listen to the appeal of one who has deliberately shunned the method of war not without considerable success? Anyway, I anticipate your forgiveness if I have erred in writing to you."

On the other hand Gandhi saw as others had seen on other occasions that the country's stalwart workers would be "sharp *shooted*" and removed one after another from their field of work, leaving leaders without hands and feet and forcing them to get themselves arrested. On a totality of considerations, Gandhi felt it right to pass the Bombay Resolution and rightly enough, never regretted the step later. Much less could he endorse the view so often repeated by Mr. Amery and Lord Linlithgow that the Resolution should be withdrawn. Withdraw he would, when the time came; and on his release (May 6th, 1944) he felt 1944 was not 1942 and he would not advise or be a party to any sort of Mass Civil Disobedience. This, however, is a later development.

Whatever this be, it was difficult to fall in with the view, which too was not put forward at the time but only later that the earlier period of a war was unsuitable for a mass movement because the masses would be profiting or hoping to profit by the War. As a matter of fact, no such thing took place till 1942 August except for a few contractors who had made money abundantly. And whoever made money, were not of the class that would join a popular movement for national emancipation and the labourers even if they got enhanced wages suffered heavily from inflation and augmented prices. To make a long story short, the fact remained that while the speakers were emphatic in their advocacy of the Resolution, they sounded a note of caution that every avenue to a peaceful settlement would be explored before the Congress took the plunge.

Despite the fact that speaker after speaker emphasized the readiness of the Congress to negotiate, Government not only did not pay heed to such assertions and asseverations, but got ready their Prisons and Police, then prohibitory orders and ordinances, their guns and gunpowder—all to put down a movement that would not be inaugurated and punish people who did not transgress the Law. Like the Japanese that bombed the Pearl Harbour (December 7, 1941) before war was declared by the enemy or by themselves, the British Government believed that success lay with the first stroke and before the break of the morrow, the members of the Working Committee and forty leading citizens of the city of Bombay were rounded up and put in a special train waiting for its load at the Victoria Terminus. The process was so sharp and perhaps even unexpected that some forgot to take with them their spectacles, some their money purses, some their books and some their clothing. But all met as a happy company,—the old gang in the corridors and compartments of the train. Doubtless there had been reports that the Working Committee would be transported to Uganda, in East Africa, but as the transactions of the A. I. C. C. came to an undisturbed end, the thoughts of the people began to move towards the course the movement was to take rather than to the possibility of arrest of the leading personages concerned in the movement. Gandhi and his party consisting of Mira Ben and Mahadev Desai were amongst the passengers' and option was given to Pyarelal and Mrs. Gandhi to accompany Gandhi if they chose, also to Maulana's attendant provided he consented to being treated as a 'C' class prisoner. These offers were not availed of, but it did not take long for the former two to be arrested and sent over to Gandhi's detention camp. The destination of the Working Committee was kept a secret while it was published in the Press that Gandhi was to be housed in the Aga Khan's bungalow in Poona. He and the party along with Sarojini Devi were detrained at Chinchavad and taken to the Bungalow which was close to Yerawada Jail. The Bombay group was detrained at Kirkee and sent to Yerawada. The Working Committee was marched ahead, diverted

from Dhond on the Madras-Bombay line, to Ahmednagar where they were lodged in a separate block of spacious halls in the Fort of Chand Bibi.

Why did the Congress make this grim resolve to give fight to the British when they were caught up in the meshes of this great World War II and when their fortunes were ever so low? Why have Government taken this precipitous step which, they must have known, would set the prairie on fire? Indeed it would not be incorrect to say that while the Congress had only gathered up the prairie, it was the Government that ignited the fire and fanned up a whole conflagration. Frankly the Congress found itself impaled on the horns of a dilemma. From the end of the First World War when the mellifluous promises of self-determination for all nations and the uplift of backward nationalities proved to be but a pious fraud in the counsels of Versailles. From the manner in which President Wilson was then befooled and disillusioned by tiger Clemenceau of France and wizard Lloyd George of Wales, to the day on which Sir Stafford Cripps turned his back on India (12-4-1942) and concocted a series of half-truths and untruths in justification of his breaking off his pourparlers, it was all one continued story of broken pledges, artful dissimulation, and Government phrase-making. The Congress realized from events that had taken place before the war, as well as from events during the war that Britain did not say what she meant and would not do what she said. The history of the Simon Commission, the Round Table Conferences and the Government of India Act were all consigned to the limbo of oblivion. There remained the insults of the war-time staring the Congress and all citizens of self-respect, in the face. It was obvious that production of war material, of food and clothing, of shipping and of numerous chemicals could be increased two to tenfold and new industries could be established. But it became evident at the very first meeting of the Indian Defence Council and of the Eastern Group Supply Council that their one aim and purpose was to prevent the manufacture of goods in India which might affect those produced by Australia or Canada. This was not the opinion of politicians but of Indian industrialists as well and if proof were wanted, proof was found later in the decision of America and Britain to shelve the helpful recommendations of the Grady Mission. Labour and Industry could be diverted from their path of profit-making, and help in increasing production without any expansion of plant, if only the patriotic motive was superadded to the business instinct. As Edgar Snow pointed out in July 1942, "plans for moving and decentralizing factories from threatened areas and of rationalizing the Industry along the lines suggested by the Grady Mission, could be realized. Refugees and unemployed in the villages could be trained and taught to help to make war goods as in China. Students and the educated could be brought into defence services instead of recruitment being limited chiefly to the so-called martial races with a high percentage of illiterates. Conscription might be introduced and military training given on a vast scale. Political training could be used to strengthen the morale among both soldiers and civilians aware of the newly-won freedom to defend. Instead of workers fleeing from jobs as happened in Calcutta, Bombay and elsewhere, at the first sign of alarm, they would, so the theory goes, stand at their posts as proud citizens of Free India. Instead of non-violent resistance opposing necessary defence measures, people could organize help to carry out measures under Indian leadership. India would lift up her head to shake off the inferiority complex and get in tune with the rest of the world."

## QUIT INDIA.

### Origin.

In answer to the question "Exactly when did the idea occur to you?" by Louis Fischer* on June 9, 1942, Gandhi said: "'Soon after Cripps' departure, I wrote a letter to Horace Alexander (a British friend of India) in reply to his letter to me. Thereafter the idea possessed me. Then began the propaganda. Later I framed a resolution. My first feeling was we need an answer to Cripps' failure. What a diabolical thing *if* the Cripps' Mission were without any redeeming feature! Suppose I ask them to go. This idea arose from the crushed hope that had been pretty high in our minds. We had heard good things about Cripps from Jawaharlal and others. Yet the whole mission fell flat. How I asked myself—am I to remedy this situation? The presence of the British blocks our way. It was during my Monday of silence that the idea was born in me."

The background of the Bombay Resolution which was substantially preceded by the Working Committee's resolution passed in July 1942 at Wardha, is lucidly explained by Gandhi himself in his article headed 'To my American Friends' and by Louis Fischer in his *A Week with Gandhi* and by Edgar Snow in an article which he had sent to the American Press in July after acquainting himself personally with all the facts of the situation. Here is Gandhi's note published after his arrest:

> "As I am supposed to be the spirit behind the much discussed and equally well abused resolution of the Working Committee of the Indian National Congress on Independence, it has become necessary for me to explain my position, for I am not unknown to you. I have in America perhaps the largest number of friends in the West—not even excepting Great Britain. British friends knowing me personally are more discerning than the American. In America, I suffer from the well-known malady called hero-workship. Good Dr. Holmes, until recently of the Unity Church of New York, without knowing me personally became my advertising agent. Some of the nice things he said about me I never knew myself. So I receive often embarrassing letters from America expecting me to perform miracles. Dr. Holmes was followed much later by Bishop Fisher who knew me personally in India. He very nearly dragged me to America but fates had ordained otherwise and I could not visit your vast and great country with its wonderful people. Moreover, you have given me a teacher in Thoreau, who furnished me through his essay on the *Duty of Civil Disobedience*, scientific confirmation of what I was doing in South Africa. Great Britain gave me Ruskin, whose *Unto This Last* transformed me overnight from a lawyer and city-dweller into a rustic living away from Durban on a farm, three miles from the nearest railway station. and Russia gave me in Tolstoy, a teacher who furnished a reasoned basis for my non-violence. He blessed my movement in South Africa when it was still in its infancy and of whose wonderful possibilities I had yet to learn. It was he who had prophesied in his letter to me that I was leading a movement which was destined to bring a message of hope to the down-trodden people of earth. So you will see that I have not approached the present task in any spirit of enmity to Great Britain and the West. After having imbibed and assimilated the

* Vide "*A Week with Gandhi*" by Louis Fischer.

message of *Unto This Last*, I could not be guilty of approving of Fascism or Nazism, whose cult is suppression of the individual and his liberty.

"I invite you to read my formula of withdrawal or as it has been popularly called "Quit India" with this background. You may not read into it more than the context warrants. I claim to be a votary of Truth from my childhood. It was the most natural thing to me. My prayerful search gave me the revealing maxim "Truth is God" instead of the usual one "God is Truth." That maxim enables me to see God face to face as it were. I feel him pervade every fibre of my being. With this truth as witness between you and me, I assert that I would not have asked my country to invite Great Britain to withdraw her rule over India, irrespective of any demand to the contrary, if I had not seen at once that for the sake of Great Britain and the Allied cause, it was necessary for Britain boldly to perform the duty of freeing India from bondage.

"By that supreme act of justice Britain would have taken away all cause for the seething discontent of India. She will turn the growing ill-will into active good-will. I submit that it is worth all the battleships and airships that your wonder-working engineers and financial resources can produce.

"I know that interested propaganda has filled your ears and eyes with distorted vision of the Congress position. I have been painted as a hypocrite and enemy of Britain under disguise. My demonstrable spirit of accommodation has been described as my inconsistency, proving me to be an utterly unreliable man. I am not going to burden this letter with proof in support of my assertions. If the credit I have enjoyed in America will not stand me in good stead, nothing I may argue in self-defence will carry conviction.

"You have made common cause with Great Britain. You cannot heretofore disown responsibility for anything that her representatives do in India. You will do a grievous wrong to the Allied cause, if you do not sift the truth from the chaff whilst there is yet time. Just think of it. Is there anything wrong in the Congress demanding unconditional recognition of India's independence? It is being said: "But this is not the time." We say "this is the psychological moment for that recognition. For then and then only can there be irresistible opposition to Japanese aggression. It is of immense value to the Allied cause if it is also of equal value to India.

"I want you to look upon the immediate recognition of India's Independence as a measure of first class magnitude."

Edgar Snow's view was that Americans "did not still realize how decisive India could become against us. The country is larger than all the territory yet conquered by Germany. It has twice the Nazi Empire's manpower. Its resources are tremendous. With the exception of Britain, Australia and Russia, it constitutes the sole remaining, allied Industrial base and as a consequence of its being outside the Western Hemisphere, it is our last bastion in South Eastern Asia."

Then he recognizes how of such a vast country and stupendous nation, Gandhi is the leader-man. "Oddly enough, it was the Viceroy who finally convinced me that I could not delay any longer my visit to Gandhi." 'The Congress" said the Viceroy, "is nothing but Gandhi." It was and

is still his organization. Always it will be his until he dies. It pivots entirely on Gandhi's political genius.

With such a country and such a leader, it is no wonder if in a little over two decades, " the Congress was also Indian Nationalism " which the Viceroy, says, Mr. Edgar Snow, would not concede. It is true that Gandhi speaks in epigrams and sometimes in enigmas as well. His paradoxes and contradictions are intuitively understood by the Indians for Gandhi combines " mysticism, metaphysics and tradition " with " political realism." Indeed his cult of "Quit India " must be so understood and interpreted. " The important thing to realize is, " says Edgar Snow in his plea for ' Lose Empire, Win India ' " that however odd some of Gandhi's utterances may seem to us, none of them invalidate him as the national leader. Indeed they strengthen him with the Indian masses. He is the man, he is the mind. He is the great soul who, most Indians trust, adore and blindly obey, with what physical and moral courage they possess."

If such a leader contemplated a *coup d 'etat* for Indian Independence, it must have in addition a cause as well as a flag. The cause is furnished by a series of antecedent circumstances which had for generations engendered distrust of the British in the Indian mind, while the Flag is the flag of three colours with the Charkha superimposed on them, indicating India's adherence to purity and sacrifice and concern for the poor. One need not go so far back as the Charter Act of 1833 or the Queen's Proclamation of 1858 for a study of Britain's broken pledges. The doctrine of self-determination of the first world war remained a nullity and was reduced even to a tragic farce in the Jallianwallabagh massacre which followed the Armistice of 1918. The question of Central Responsibility which together with Federation and safeguards in the interests of India—the three beams erected in the Gandhi-Irwin Pact, remained only in the Act of 1935 and even that was suspended after the outbreak of the 2nd World War of 1939. As if to add insult to injury when the Atlantic Charter of August 1940 was formulated on the high seas, Premier Churchill denied its applicability to India before the ink in which it was written became dry. Finally came Cripps with his dramatic entry into the arena of Indian politics, and this quick change artist's performance brought disaster and distress to India. Nor was there any prospect of India being encouraged to build up its industrial life, as other nations were doing, turning to account the melancholy opportunity of the war, for the recommendations of the Grady Commission which came from America to study the problem in this behalf, remained undisclosed and later became moribund. The fact was that an American Technical Mission was sent to India in March 1942 to aid in developing the industrial resources of India as a supply base for the armed forces of the United Nations in near East and Far East. It was headed by Henry F. Grady, former Assistant Secretary of State (U.S.A.) in charge of trade relations. It included A. W. Harington, President, Society of Automobile Engineers, H. E. Beyston, President of Beyston Engineering Co., (to advise Indian plants for war purposes) and Dirk Dekkar, Director, Illinois Steel Corporation, to aid in the training of skilled and semi-skilled workers. Col. Louis Johnson was sent to New Delhi as President Roosevelt's personal representative. Grady's report was submitted to Roosevelt on June 8, 1942 and was kept confidential. He was highly quoted in the Press as having recommended Indian production of war supplies, rifles, shells, armour bodies, etc., so as to provide all the requirements over there. Grady recommended the ways and means open to Government of India and U. S. Government and dwelt upon the excellent facilities for transportation and Hydro electricity and

the high quality of Indian workmen. He further discussed how Indian recruits and equipment would be better still if only the deadlock between Indian National Congress and British Government could be solved.

Let it be remembered that the Grady Report was almost entirely a wartime project, namely, a quick creation of war industries in India and not mainly concerned with post-war industrial development. The worst apprehensions of the Indian public proved, however, only too true for in November (1942) Government sources at Washington said that the Grady Report on India was laid aside pending other developments and no action was taken thereafter. The decision followed two months of inter-departmental discussion of the Report by experts from the Navy and the State Departments, the Board of Economic Warfare and other departments. It, therefore, was no consolation to India that a vast amount of material, time and shipping which might have been applied to the fulfilment of the projects which Mr. Grady recommended, had been used instead for direct action against the enemy on all fronts. One of the major benefits India should derive from fronts was the eventual assurance of a large amount of shipping, particularly by the shorter Mediterranean routes. Indeed officials in Washington said that " the United Nations used on war fronts *different* kinds of equipment than would be used for the development of the Grady recommendations and that the United States Government Departments highly approved of nearly all aspects of the Grady report." Suddenly it was decided that the time, energy and materials, particularly of shipping must be diverted from India for " war companies."

Finally, in the great tragedy that overtook the evacuees on their return from Burma, preferential treatment was given to many Whites while 2 lakhs of Indians were left to their fate and to unendurable privations on their way to India. This as well as the sorry way in which Burma, Malaya and Singapore were defended, left no doubts in the minds of Indians that India's defence could not be safely left in the hands of the British and that if India should prevent the Japanese invasion or have to fight it, it was only a National Government that could appeal to the mind and heart of the Nation and enlist its full support, material and moral in the cause of National Defence.

Was India then to sit with folded hands waiting for a Hercules to come, whose reputed strength, however, had on more than one occasion already failed or was she to bestir herself betimes and look about and seek out the best help both from within and from abroad? And although the vast bulk of the population would trust to the development of their own internal strength and spirit, still not a few were there, yearning for external intervention—notably by America. The hopes created by Col. Johnson in April, 1942, had not as yet died down. The fear of internecine warfare between communities though visualized by a leader like Jinnah was, the Congress knew, out of the question and as Edgar Snow put it " Only an incredible capacity for self-deception could prevent us from recognizing the imperative necessity of making every effort immediately to release all possible power and responsibility to Indians except where it is demonstrably incompatible with the Defence requirements of the Allies."

None of these considerations appealed to Britain. Her pride and prestige were offended at the thought of a subject nation casting off their wonted servility and submissiveness and beat the trumpets of war. It would hurt their sense of power and superiority to receive an ambassador of Peace from a body that had threatened war. The Ukase went forth that

before the cock crew thrice, "all" should be arrested and spirited away and according to plan what happened in the city of Bombay happened over the whole of India, in the States and Provinces, in cities and towns. Congress Committees were declared unlawful bodies. Congress offices were seized and locked. Congress functions were interdicted. The members of the A. I. C. C. were arrested in trains before they reached their homes at intermediate stations. In Bombay, the Congress House was occupied by the Police as also the magnificent pandal of the A. I. C. C. and the Gowalia Tank recreation ground. All processions and meetings were banned and the entire police force of the city as well as the reserve and military contingents were mobilized. Tear gas and lathi charge were employed against an impressive rally of Congress volunteers and Desh Sevikas which was held according to schedule. The national flag at the pandal was pulled down and volunteers who went to its rescue were beaten off. The Congress Working Committee, the A. I. C. C. and in Bombay, the Provincial Congress Committees of Bombay, Gujarat, Maharashtra and Karnataka and all the other provinces except N.W.F.P. were declared unlawful. That was not all. The Central Government in an order dated August 8th, New Delhi, prohibited the printing or publishing by any printer, publisher or editor, of any factual news (which expression should be deemed to include reports of speeches or statements made by members) relating to the mass movement sanctioned by the All-India Congress Committee or to the measures taken by Government against that movement, except news derived from and stated in the newspaper which published it to be derived from

(a) Official sources, or

(b) The Associated Press of India, the United Press of India or the Orient Press of India, or

(c) a Correspondent regularly employed by the Newspaper concerned and whose name stands registered with the District Magistrate of the District in which he carries on his work.

Government lost no time in giving expression to their regret and resentment at the Congress Resolution, and their determination to meet the challenge contained in it. Indeed Government had begun their preparations to stem the rising tide, the moment the first ripples appeared in the waters of political life; for the passing of the Wardha Resolution dated 14-7-42 was soon followed by what came to be known as the Puckle Circular, dated 17th July 42, the details of which may appropriately be embodied here.

### The Puckle Circular

It will be remembered that a short time previous to the Bombay sitting, Government had after a search of the A. I. C. C. office seized copies of the draft resolution sent by Gandhi and published it, as well as rough (and imperfect) notes of the speeches of the Working Committee members at the Allahabad meeting. It seems that Government had earlier promised a reward of Rs. 500 for a copy of Gandhi's draft. This draft has been incorporated in an earlier chapter. As if the ends of ethical justice required it, a valuable document of the Government of India, a confidential circular by Sir Frederick Puckle, Secretary to Government of India, happened to fall into the hands of Gandhi who gave it a wide circulation in Bombay, with a prefatory note. The note and the circular are published here in below :

## HOW TO CRUSH NATIONAL MOVEMENTS !

## AMAZING DISCLOSURES

### Confidential Official Documents

For Mobilizing Anti-Congress Elements

I have had the good fortune to have friends who have supplied me with titbits of national importance such as I am presenting to the public herewith. Mahadev Desai reminds me that such an occasion occurred some seven years ago when a friend had unearthed the famous Hallet Circular. Such was also an occasion when the late Swami Shrddhanandji was given an important document though not of the sensational character as the Hallet Circular or Sir Frederick Puckle's very interesting production and that of his lieutenant Shri D. C. Das. The pity of it is that the circulars were secret. They must thank me for giving the performance as wide a publicity as I can. For it is good for the public to know to what lengths the Government can go in their attempt to suppress national movements, however innocent, open and above board they are. Heaven knows how many such secret instructions have been issued which have never seen the light of day. I suggest an honourable course. Let the Government by all means influence public opinion in an open manner and abide by its verdict. The Congress will be satisfied with a plebiscite or any other reasonable manner of testing public opinion and undertake to accept the verdict. That is real democracy. *Vex populi vex dei.*

Meanwhile let the public know that these circulars are an additional reason for the cry of *Quit India*, which comes not from the lips, but the aching hearts of millions. Let the masses know that there are many other ways of earning a living than betraying national interests. Surely it is no part of their duty to lend themselves to the very questionable methods as evidenced by Sir Frederick Puckle's instructions.

Bombay, 6-8-'42. M. K. Gandhi.

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CONFIDENTIAL. EXPRESS LETTER

No. 28/25/42.
Government of India
Department of Information and Broadcasting.

New Delhi, the 17th July, 1942.

From

Sir Frederick Puckle, K.C.I.E., C.S.I., I.C.S.,
Secretary to the Government of India.

To

The Chief Secretaries to all Provincial Governments and Chief Commissioners, Delhi, Ajmer-Merwara, Baluchistan and Coorg.

We have three weeks until the meeting of the All-India Congress Committee at Bombay on August the 7th. During this time the matter is mainly a problem of propaganda to mobilize opinion against the concrete proposals contained in the Congress Resolution and against the threat with which the

Resolution concludes, described by Gandhi as 'open rebellion'. We have to (1) Encourage those on whose support we can depend, (2) Win over the waverers, and (3) Avoid stiffening the determination of Congressmen; with the object either of putting pressure on the Congress to withdraw from its position, or, if action has to be taken against Congress, to secure that such action has the support of public opinion inside and outside India. Please intensify your publicity through all available channels with the aim of securing openly expressed and reasoned opposition to the scheme of the Resolution from individuals of influence and important non-Congress organizations. Following are suggested main lines of publicity :—

(1) No question of morale (sic) principle is involved, since His Majesty's Government's declared policy for the future of India is that her own people should devise their own form of independent government after the victory has been won, and that during the intervening period there should be, within the existing constitution, immediate and effective participation of the principal sections of the Indian people in the counsels of their country, of the Commonwealth and of the United Nations.

(2) The question at issue is one of expediency. Are the proposals in the Resolution practical in the middle of war and are they likely to increase the chances of victory for the United Nations, or shorten the war by a single day?

(3) Whatever the answer to (2), there is no doubt that a campaign of Civil Disobedience involves recklessly putting the cause of the United Nations in jeopardy and encouraging the Axis.

(4) Japan is hesitating whether to turn North against Russia, or West against India. Gandhi admits that acceptance of the resolution means administrative anarchy, rejection certainly means civil commotion; either way it is a direct invitation to Japan to turn to the West.

(5) The Congress Leaders have now become the heroes of the Axis broadcasts, a clear indication that India's enemies think that Congress's proposals are to their benefit.

(6) The only road by which India can achieve her destiny is through the victory of the United Nations. "A free India is not possible in a world of slaves."

2. Some general criticisms of the Resolution are :—

(a) The resolution is a party manifesto : it is the Congress speaking and not India. The only grounds on which it could be considered a serious document and not a piece of propaganda would be, if it has been subscribed to by all parties. But it pointedly disregards the wishes and feelings of everyone except the Congress. On the war issue, Muslims, Sikhs, Communists, Royists, organised labour, the Kisan Sabhas, and important student organisations are opposed to the Congress. Success of voluntary recruitment proves that on the war issue Congress does not speak for India.

(b) Note the blatantly hypocritical interpretation of the earlier Satyagraha Movement, described at the time by Sir Sikandar Hyat Khan as a stab in the back of the British.

(c) Note misrepresentation of the Cripps Proposals which promised to India the choice of Dominion Status or Independence as soon as victory was won.

(d) Note that the Congress have made no attempt whatever to solve the "Communal tangle". On the contrary, for the suggestion that it was possible to come to terms with the Muslim League, Rajagopalachari has been forced to resign from the Congress.

(e) Note the statement that there is a widespread ill-will towards British and satisfaction at the success of Japanese arms. Such satisfaction is confined to Congressmen, and if there is ill-will, it has been intentionally fostered by the Congress, who, if they had been serious in their protestation of sympathy with the cause of the United Nations, could have swung the opinion the other way.

(f) Note claptrap about transferring power to workers coming from the Congress, a purely authoritarian body in its organisation and dominated by big business and the middle classes. The workers in any case are at present unfranchised and they certainly cannot be enfranchised in time for them to have any influence on a provisional war government.

3. Concrete proposals in the form in which they are stated in the Resolution are vague and impracticable. They mainly amount to a "cock-eyed" version of the Cripps Proposals: these were democratic, they envisaged a general election in order to secure representative legislatures, a Constitutent Assembly democratically elected, and the free discussion of proposals for the future constitution. They provided in fact to use Gandhi's term for the "orderly withdrawal" of British Power. There is nothing democratic about the Congress proposals. They seem to envisage the handing over of power to a provisional Congress Government, which shall then itself decide what future arrangements are necessary. Note that British rule is first to be withdrawn; after that a provisional Government is to be formed. What is to happen in the interval? How and by whom is the provisional Government to be formed, and under what constitution will it function? The Congress has taken no steps to secure support from other important elements, and these elements will not consent to authority being handed over to Congress even temporarily. The scheme must involve a long period—months at least—of uncertainty during which if there is any authority in existence capable of carrying on King's Government, it will be weak and uncertain. During this period are the Japanese likely to remain inactive? The threat of Civil Disobedience is a direct invitation to the Japanese, but the acceptance of the proposals by the British Government would create a situation which would be an equally open invitation to India's enemies.

4. The proposals for co-operation in the war are negative. A wish is expressed not, "as far as it is possible", to embarrass the war effort or to jeopardise the *defensive* capacity of the United Nations. There is no word of any resolve to fight to total war to the end alongside others. This attitude is in harmony with Gandhi's recent writings. He has assumed that the establishment of national Government would be followed by the disbandment of the Indian army, and he has talked of India sending emissaries to the Axis. The most he himself ever promised is permission for troops of the United Nations to stay and defend India without any promise of active aid in their task. His latest pronouncement of July the 15th is as follows: "I can say that a Free India will make common cause with the Allies, but I cannot say whether Free India will take part in this militarism

or she will choose her non-violent way. But I can say without hesitation or sense of shame that if I can possibly turn India towards non-violence, then I would do so." In addition, it may be noted that the Congress itself is rotten with pacifists and appeasers and as a body has never undertaken on any conditions that a Congress Government would concern itself with anything except the " defence " of India, i.e. active co-operation to win the war has never been promised and is not promised now. It is noticeable in the present Resolution that though there is much talk of resistance to aggression the nature of that resistance is nowhere described, and there is studious avoidance of any reference to violence or non-violence throughout. The Resolution professess to deplore " passive acceptance of aggression", which is exactly what Gandhi has been preaching for years. The spirit of Petainism prevalent at Wardha and inspiring large sections of Congressmen is illustrated by a remarkable article by Mahadev Desai in the *Harijan* of July the 12th. Reference is to page 226 of the English edition, paragraph under the head " A desperate game ". This article might be used with effect in conversation with educated people.

5. The resolution ends with a threat expressed in vague terms, which both Azad and Gandhi have since explained to mean a mass movement on a widest possible scale. If Congress cannot get their own way, they will not be content, stand aside and let others get on with the job, but will throw India to the Japanese and Germans. The following Persian proverb may be useful :—

Na khud khuram na bi-kas diham ;
Persida shavad ta bi-sag diham.

" I will not eat it myself nor will I give it to anyone ;
let it rot, so that I may give it to the dogs ".

6. It would be advisable at the present stage to abstain from attacking the Congress too directly, e.g. by calling it a Fifth Column, etc. and certainly to abstain from attacks on individuals ; either will only rally loyal Congressmen in support of a cause in which they may not genuinely believe. For the moment the object is to mobilize public opinion against the Congress policy as detrimental to the successful conduct of the war. Loyalists and waverers may be assured that Government has the means to deal suitably with trouble and intends to use them.

7. The National War Front should be used to the fullest to oppose proposals which can only be detrimental to the war effort. Speeches, letters to the local press, leaflets, cartoons, posters, whispering campaigns are possible media for local publicity. Intructions to All India Radio Stations will be given by the Centre.

Following are suggestions for cartoons or posters :

(1) The scene is the room of a house, with doors on left and right. Through the left door a British soldier is disappearing and a Congressman is waving good-bye to him from the middle of the floor. Next to the Congressman is a peasant looking towards the right door, through which the head of a Japanese soldier appears. Possible caption : " Babuji, look who is coming ".

(2) Scene : a cross road. A sign-post pointing to VICTORY. Two travellers : one says, " which is the road to independence ?" other answers, " come along with me. The road to VICTORY leads to where you want to go."
(3) Hitler, Mussolini, Tojo each with microphones each saying " I vote for the Congress Resolution."

Sd/- F. H. PUCKLE,
Secretary to the Government of India.

CONFIDENTIAL EXPRESS LETTER

Government of Orissa
Publicity Department.

No. 895 (19) Pub.

From
Rai Sahib D. C. Das, M.A.
Deputy Secretary and Publicity Officer to Government.

To
All Collectors
All Sub-divisional Officers.
Dated Cuttack, the 22nd July, 1942.

Sir,

In continuation of my letter No. 878(20) Pub. dated the 21st July, 1942, I am directed to forward a copy of Confidential express letter No. 28/25/42, of the 17th July, 1942, of the Government of India, Department of Information and Broadcasting, and to request that immediate action may be taken to intensify publicity on the lines suggested therein through all available channels with the aim of securing openly expressed and reasoned opposition to the scheme of the Congress Resolution in question from individuals of influence and important non-Congress organisations in your district/sub-division. The non-Congress Organizations, known to this department as existing in the Districts of Cuttack, Balasore and Ganjam are noted on the margin. There might be similar non-Congress Organizations in other districts and more such organizations in the Districts of Cuttack, Balasore and Ganjam besides the various War Committees now functioning in the Province. The non-Congress organizations may be requested to call meetings and pass resolutions on the lines suggested in India's (sic) letter attached. The resolutions passed should be given the widest possible publicity through as many newspapers as possible not only of this province but also of other provinces. The services of the representatives of the United Press and Associated Press may also be utilised, as far as possible, for the purpose. The best way by which individuals of influence of your area may express their opposition to the scheme of the resolution of the Congress will perhaps be to contribute articles to non-

*Cuttack*

Oriya People's Association. Oriya Muhammadan Association. Orissa Landholders' Association. All Orissa Bengal Settlers' Association. Domiciled Bengalee's Association. Orissa Women's League of Service.

*Balasore*

Orissa Millowners' Association.

*Ganjam*

Ganjam Landholders' Association. All Orissa National Association. Andhra Mandali. Oriya Samaj.

Congress papers on the suggested lines. The editors of non-Congress Newspapers may also be approached to write leading articles opposing the scheme of the Congress Resolution on the suggested lines.

As we have less than 8 weeks until the meeting of the All-India Congress Committee at Bombay on the August 7th, very prompt and effective actions are requested.

I have the honour to be,
Sir,
Your most obedient servant,
Sd/- D. C. Das,
Deputy Secretary and Publicity Officer to Government.

The decision that the measures to be taken by Government should be in the nature of a " blitz " was kept a closely guarded secret but was broadly known to the public. It made no difference to the Congress except that the sincere desire of Gandhi to explore all possible means of arriving at a peaceful solution of the problem were short circuited by the precipitancy with which those measures were put into force. On the part of Government, they argued that they were designed to prevent the Congress movement from getting a start and gathering momentum. While it must be admitted that the Congress had not really formulated the details of the campaign beyond Gandhi stating that it should comprise all the steps covered by the programmes of Civil Disobedience, individual and mass hitherto adopted, subject to the cardinal rules of Truth and Non-violence, it was obvious at the same time the steps taken by Government were so provocative that they invited the masses who are, as Carlyle puts it, "an inflammablest, immeasurablest material " to those very acts of violence and sabotage the apprehension and anticipation of which were put forward as the justification for Governmental action. In short, Government provoked the masses into an outburst of anarchy and chaos with the confidence that by their might, they could put down the lawlessness more easily than they could meet the non-violent rendering of Mass Civil Disobedience. It could not be that Government forgot the lessons of the no-tax campaign in Gujarat, in Bardoli-Chowrasi areas in 1928 or the Bardoli and Anand Talukas in 1930 as well as in the Sirsi and Siddapur Taluka of North Canara in the Karnataka. It has always been the policy of Governments built on physical force to reduce and render opposition thereto, rooted in moral principles, to the plane of violence to which they are accustomed. If Government thought that by a bomb throw they could wipe out the popular uprising, they remained to witness a boomerang bursting and throwing up its spikes and darts against themselves.

The reactions to Government's procedure may be studied, as it affected the world abroad, the public of India and the Government themselves in Britain and India in their calmer moments after the excitement of arrests and ordinances had passed. It was said that there was a chorus of approval of what was done in India, by the British and Empire Press. It could not be otherwise. Only there were differences of taste and temperament, ranging from the logical argumentativeness of the *Times* to the flamboyant outburst of the *Sunday Times* and *Sunday Chronicle*.

" We cannot surrender our Empire to the anarchists within or the barbarians without " may sound far too brutally frank for the age, but when we know three and half months later, Premier Churchill expressed the same sentiment in his Mansion House speech on the 10th November, 1942, that

"We shall hold fast what we have" we know that "grab and greed" are not the demons of a bye-gone age but are the guardian angels presiding over the Empire's destinies.

In India too, there could be but one reaction and that related not to the past, but to the future. The one political body which Britain herself had in time and out of time, praised for its strength, influence and importance, was put out of action and the people were provoked into forbidden paths. The President of the Muslim League was supremely satisfied over the course of events and more than that, with his own *non-possumus* attitude, for had he not argued that the Congress movement was directed against the League and its demands, being meant to stampede the British into yielding to popular pressure in the country? The rest of the organizations, communal, Liberal and sectional, merely urged a revision of policy by Government, as repression was no answer to the legitimate Congress demand and as Government's precipitancy was really uncalled for.

It looks as though the only other party, namely Government, did not feel happy over what they had done, for they wanted to divert public attention from the feeling of horror roused in them by the first day's events, by telling them that the decision to arrest Gandhi and his collegues was a unanimous decision of the New Executive Council having on it eleven Indians and that though Messrs. Aney and Sirkar were absent at the meeting of the Executive Council at which the final decision was taken, yet they had acquiesced in the policy at earlier discussions. It is strange indeed that such a claim should have been made when later, on the floor of the Central Assembly, Mr. Aney happened to make the statement that if he had been present at the final meeting he would certainly have opposed the decision, though in view of the later developments in the country he was convinced that such an opposition would have been the blunder of his life. Government further bruited it abroad that they were contemplating positive measures in terms of the Cripps' Proposals to Indianize the Viceroy's Council and transfer further power to Indian hands, as an effective answer to the Congress challenge. Government left no aspect of the problem untouched. It was said that they were not neglectful of the possibility of a fast by Gandhi and that they had no intention to flinch from the course they had set until Congress leaders withdrew their proposal of the mass movement.

### The Government of India resolution.

This unanimous decision then was followed up by the Government of India resolution which was dated the eighth of August and must, therefore, be deemed as having been kept ready well in time for publication in the wake of the arrests. The resolution opens (1) with a reference to "the dangerous preparations by the Congress Party for unlawful and in some cases, violent activities, directed among other things to the interruption of communications and public utility services, the organization of strikes, tampering with the loyalty of Government servants and interference with Defence measures, including recruitment. The programme of the campaign was not as a matter of fact, worked out at all by the Working Committee and Government went beyond their data when the aforesaid charges were brought against the Congress at a time when no responsible Congressman was left outside to answer them.

Government next referred to the Congress demand as a demand which could not be discussed and "the acceptance of which would plunge India into confusion and anarchy internally and would paralyse her effort in the

common cause of human freedom." This is extraordinary, for the common cause of human freedom implies and includes in it the freedom of India. The demand shortly put was " Quit India " but briefly explained, only meant, and admittedly so, the withdrawal of British Power. No one can be deceived by the literal interpretation which Government sought to put on the words of the slogan for surely Government knew that it did not mean more than a declaration of Indian Independence by Britain and the formation of a National Government composed of members representative of the elected elements in the Central Legislature subject to certain reservations regarding Defence and War. This would create no hiatus, no anarchy, no chaos. And when this aspect was presented Government would come forward with the argument relating on the one hand to " the existence of deep differences in this country, the harmonizing of which must be the object of all on whom responsibility falls, the removal of which is the ambition and hope of the present Government " and on the other to the unacceptability of

> " the claim of the Congress Party to speak for India as a whole."

At the same time, the Resolution of the Governor-General adds :—

> " That the Congress Party has for long occupied a position of great prominence and great importance is substantial."

The truth was that Congress was driven from pillar to post by Government changing their position, *now* taking a Congress slogan literally in spite of the fact that its meaning, as clarified by responsible Congress leaders, satisfied notable American journalist like Louis Fischer and Edgar Snow, *now* dwelling upon the deep differences in the country for which they themselves must bear the responsibility, and *now* declaring, as Cripps did, that no constitutional changes could be effected in the midst of war. While the Resolution admits the great prominence and the great importance of the Congress in Indian political life, and only argues that

> " it is the duty of the Government of India to take a balanced view of the interest of all sections of Indian thought and Indian opinion."

Mr. Amery, if we may anticipate a later statement of his,—proclaimed that the Government could not parley with the Congress so long as it did not withdraw its resolution and expressed regret at having passed it. This statement which was seriously objected to by the (London) *Times* which thought there could be no settlement without the Congress, shows how Government shifted its position. They divided the country on a communal basis and put forward the division as an argument against the (National) Provisional Government demanded by Congress. They have not themselves said a word in favour of Pakistan during the first three years of the tenure of the war until the Viceroy spoke on the Geographical unity of India on 17-12-'42 but they cited the communal differences as standing in their way of progress. Have they had the courage to give their own opinion on the Muslim demand ? If they were agreeable to it, they should say so. If they disapproved, they should have stated the same. The fact is, that knowing as they did, the cause of the internal difference was unsupportable, they utilized it as a factor to retard progress. This exposes the hypocrisy of the charge that

> " In the interests of securing their own dominance, and in pursuit of their totalitarian policy, its leaders have consistently impeded the efforts to bring India to full nationhood."

Obviously we are to understand that the British are more interested in helping India enjoy Self-Government than Congress ! Restating the several steps of Government policy in India, the Resolution concludes with the statement that

> " The fullest opportunity for the attainment of self-Government by the people of India, has been guaranteed by His Majesty's Government."

Has ever a creditor accepted in this world the renewed guarantee of an evasive decree-debtor as an additional safeguard for the recovery of his long-standing and overdue debt ?

Apart from the Resolution, semi-official charges have been brought against the Congress and its leader, Gandhi, that they have recently reversed the order of things in saying that communal unity could only follow Independence, not precede it as they had been urging all these twenty-two years. But why do these critics forget that even the slogan of communal unity was raised in 1920-21, when there was a demand for Swaraj which was developed into a demand for Complete Independence in 1929? In requires no great insight to perceive that in a nation's progress, there are no mathematical steps, that the graduated progress outlined by national reformers are meant for internal guidance and not for argument by external opponents who are hostile to all real progress. That is not all. A great national movement receives in its earlier stages nothing but contempt and indifference from its opponents, later contumely and finally, counter-strategy. Communal unity was a good objective. When its consummation was still afar, but when the time for the divine event was drawing nigh, the matter is brought down from the place of the theoretical to the realm of the practical and receives a check to its progress by measures which are stunning and blows which are shattering. Thus it was that the communal claims which received substantial support at the hands of Lord Minto (1906-1909) became consolidated in the time of Montagu and when the processes of give and take appeared to be nearly reaching fruition, the problem was made to assume a new shape altogether. It is no more a question of religion, culture or laws, no longer a problem of percentages in services and Legislatures but it is the division of the country into two separate Unions, the bisecting of the child to suit the ends of mathematical justice. When this climax of strategy and tactics is reached, through the influence of the third party in the country, when the fraternal love of the Congress for the younger brother is making for Unity, the spirit of fairness and accommodation is feared by the one and mistaken for weakness by the other and the demand for fission is made to hold the field. It is under these trying circumstances that Gandhi saw as in a flash, that the third party must quit India and that communal concord could only follow his exit from the seats of power. To accuse the Congress therefore of shifting its long accepted position is to thrust responsibility for one's own want of fair-play on to the opponent's shoulders.

Finally these critics and with them Government have exaggerated the difficulty of effecting constitutional changes in the midst of war. The argument, one is afraid is overdone. But Sir Stafford Cripps who was the first to cite it in favour of his own proposals, was at the same time not unwilling to put through Parliament a measure to abrogate the law that, a frac-

tion of the Governor General's Executive Council should be composed of men who have put in not less than ten years' service under Government. If the Government at the head were only willing to part with power, a parliamentary measure to legalize such a change would be a matter of course. Such a measure cannot be more formidable nor more disturbing than the proposal to effect a union between France and Britain made by Churchill in the middle of June 1940. Dealing with the Indian problem, Prof. Laski writes in the *New Statesman and Nation* about the very time as follows :—

> " The problem is soluble if our will to solve it is unbreakable. The problem is soluble if we put Indian freedom in the first place and British prestige in the second. The problem is soluble if, differently from Burma and Malaya, we are set on mobilising now the unfettered good-will of Indians in a cause that, thereby, we made unmistakably their own. It involves great constitutional changes ; it is impossible, said Sir Stafford Cripps, to make great constitutional changes in war-time. Mr. Churchill did not think so. At a moment of dire peril, he offered union with France to its government, the largest proposal of constitutional change in our history. It involves great risks ; it lacks the perfection which long discussion and patient draftsmanship could give ; it injures our dignity by sending us " scuttling out of India " when Sir Stafford Cripps had spoken our last word ; the unity it builds may not last. But war is nothing if it is not an experiment in the taking of risks. Administrative crudity is a small sacrifice to make for an India really prepared to fight. A fighting India is an addition to our strength of moral as well as material importance ; and, in history, a nation never speaks its last word except upon its death-bed. Whether a unity so made will last in India only the future will reveal. It is at least a rational argument to insist that communities which share great responsibilities have a better chance of learning a common way of life than if they spend the years snarling at one another under conditions by which both are frustrated.
>
> " This is at least a programme which tests the good faith not less of Indians than ourselves. If the effort to fulfil it fail, we must shoulder our responsibilities as best we may, till happier times. But if it succeeded it would, I venture to think, transform the whole character of the war. For it would give an impregnable status to our claim that we fight for freedom. It would show our allies and our armies the creative power of that spirit which sustained us when we stood alone. We should lose our imperial power in India ; but we should gain, in losing it, not only the friendship of the Indian people, but the respect of all men and women who know that courage and imagination alone suffice to keep the flame of freedom alive."

Nor is it merely a question of academic interest dealt with in a pure atmosphere of study by Professors. If France had only assented to Union with Britain, the event would have necessitated unprecedented constitutional changes effected perhaps for the first time by the British Parliament. Leave that alone. Let us roam about the empire and the United Nations.

## Electoral Reform.

The much abused Coalition Government of England has during the greatest war of the world carried through most highly controversial legislation

involving issues that had wrecked party governments in the past or had been kept on ice for years as no party government would tackle them. The Educational Bill and the two Electoral Reform measures that were being discussed from the point of view of national interest and not of party rancour were remarkable in themselves. Controversial matters like distribution of seats, proportional representation, cost of elections were all referred to Speakers' Conference following the precedents of 1916 and 1924 and a permanent Boundary Commission which from time to time could review movements of population was the most original feature of the Bill.

In Britain itself though the House of Commons of the War had been elected in 1935, the number of members returned in interim elections was by the end of May 1944, 206 or more than 1/3 of the total number. "Of these," says the *Times* "128 have been elected during the war, 64 contested and 64 uncontested."

## Russian Commonwealth.

It is remarkable that Russia should have been able to undertake what is apparently a bold act of decentralization in the middle of the greatest war in history. It carries with it an indication of Russia's intention to develop along more democratic lines. Perhaps the new Soviet Federation is designed to facilitate the creation of Puppet States in Eastern Europe which could eventually be induced to vote themselves into the U.S.S.R. as 'independent' parts of the Russian whole. Thus could small European States be attracted towards the Russian 'power unit' while Moscow would have a very nice looking *alibi* to save from accusations of annexation of Territories.

On June 9th, 1942 in his interview with Louis Fischer, Gandhi said, "There is no half-way house between withdrawal and non-withdrawal. It is of course no complete physical withdrawal that I ask. I shall insist, however, on the transfer of political power from the British to the Indian people."

It was not Australia, U.S.A., and Belgium alone that dared such constitutional changes during the war. In January 1944, the war situation became highly complex and Russia was desperately demanding a Second Front. The Teheran Conference among Churchill, Roosevelt and Stalin had just been concluded and the U.S.S.R. embarked upon revolutionary constitutional changes without any ado and implemented them forthwith. Under them the Federation left only cultural autonomy to the units and the subunits of the Republic.

At the very moment India was executing its *coup d'etat* against the Congress, the Australian Government was engaged in arranging a serious constitutional change both in its internal structure and its external relations. A constitutional convention had unanimously agreed to grant increased powers to the Federal Government for post-war reconstruction. It meant in the words of the Opposition in Australian Parliament, that the people of Australia are shortly to be asked "to approve of a constitutional Revolution." Of the two Legislative measures contemplated, one is but to supply a Bill to validate sections 2 and 6 of the Westminster Act, so that the Colonial Laws Validity Act of 1865 might not apply to invalidate any Law passed by the Dominion Parliament and the full powers invested in the latter in relation to Admirality Courts, might be availed of. These are permissive measures under the Westminster Act which would not apply to a Dominion unless the Dominion Parliament adopted them by Act of its own. Hence the first Bill. This would not only confer on Australia complete independence of Britain but enable her to gain full power to enact laws having extra-

territorial operation and establish Civil Government in some occupied territory. The Commonwealth would no longer be required to reserve certain Legislation relating to shipping for the King's assent. The other measure sponsored by the Convention is " The Constitutional Alteration (War Aims and Reconstruction) Bill" whose object is to " alter the constitution by empowering the Parliament to make Laws for the purpose of carrying into effect the war aims and objects of Australia as one of the United Nations including the attainment of economic security and social justice in the post-war world and for the purpose of post-war reconstruction." There is a wide volume of opinion that the changes will convert what is a Federal Commonwealth into a full-blown unitary state. The States will have to suffer a deduction of their powers while the Federal Parliament's powers might be practically unlimited. One of the clauses expressly states that

> " It is hereby declared that the Power of the Parliament shall extend to all the measures which in the declared opinion of the Parliament. will tend to achieve economic security and social justice."

Another section makes it possible to abolish the Senate, by raising the strength of the Lower House (the House of Representatives) beyond the ratio of 2 : 1 of Senate while yet another section bans the right through litigation to question the validity of legislation concerning social security. The Bills were passed on to a Committee of the Convention for scrutiny and after they emerged therefrom, they were to be the subject of a nation-wide referendum as required by the Commonwealth Act. Is this all a simple measure? No. It is a big constitutional change which convulses the whole Nation (November 1942).

While this is so, the Australian Parliament voted upon a motion by censure of Mr. Curtin, the Labour Premier who won by one vote and, therefore, dissolved it and held new elections on August 21, 1943.

South African Union had held its general elections on the issue of participation or no participation in war on the 7th July, ' 43.

What has America done? The United States had just emerged by the month of November, 1942 from its national conventions for the election of the next President, and actually elected certain Governors while in India almost all the elections particularly of the Local Bodies have been suspended *sine die* and the Central Assembly was in the year 1942 (November) running (completing) its eighth year of tenure. But elections are a minor matter. The U.S.A. are engaged in the second year of their entry into the War, in the processes incidental to a big constitutional change relating to treaty-making in the States. In the 3rd week of November 1942, a Member of the American Lower House introduced a Legislative proposal whose aim is to amend the constitution. Under Section 2 of Article II treaty-making is the joint function of the President and the Senate only. The proposed change gives a voice to the Lower House as well equally with the Senate so that treaties would have to be ratified by a majority of both Houses and not a 2/3 majority of the Senate alone. Should it go through almost a revolutionary change would result. Article V of the Constitution contains the following provision:

> " The Congress whenever two-thirds of both the Houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the legislatures of two-thirds of the several States, shall call a Convention for proposing amendments which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when

ratified by the legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress."

In the face of these mighty and convulsive constitutional changes, the plea that war time is not opportune for them in respect of India obviously lacks sincerity and spells only unwillingness to part with power. The events subsequent to the Congress Resolution and within but three months thereof bear conclusive testimony to the correctness, nay the inevitability of the step taken by that august body. And if public opinion is of any value in the governance of the country, there was a whole chorus of demand raised from the morrow of the repressive measures taken by Government for the release of Gandhi and his colleagues, and the reopening of negotiations, not from, as it might be alleged, self-interested captains of industry and commerce, but from the Communists who had a soft corner for participation in war effort, from Trade Unions who stood afar from politics, from the Liberals who never had any undue partiality for the Congress, from mill-owners and millionaires whose interests came into collision and conflict with the Congress cult of Village Industries, from the Sikhs whose Nationalism had remained untainted and the Indian Christian Organization which has all along pursued its own limited objective, from the Anglo-Indian Association which had only recently begun to cultivate the correct Indian outlook, from Local Boards and Municipalities for which they were summarily superseded, from religious associations to whom Gandhi was heretic, from the Hindu Maha Sabha which stood four square against the Congress, from *ad hoc* public meetings and from outstanding personalities and Non-party-leaders, like Dr. Sapru and Jayakar. Government paid no heed to these demands, suggestions and exhortations but went on madly with its angry and passionate measures some of which will be summarized in a separate chapter.

Next to the arrests of leaders, the first act of aggression of Government on the 9th in Bombay was to prevent the rally of Volunteers in Bombay and pull down the Flag which was to have been hoisted that morning by Jawaharlal Nehru and to warn the people not to gather at the maidan. Despite the Police warning, Mrs. Asaf Ali hoisted the flag and announced the arrests. Orders banning public processions, meetings or assemblies throughout the Province and the city without the permission of the authorities were issued. The carrying of lethal weapons was prohibited and the people in certain areas were prohibited from moving out between 7-30 P.M. and 6 A.M., an order to be in force for a fortnight. The very first day lathi charges, teargas and shooting by the police and the military were resorted to. The prohibitory orders of Bombay were repeated simultaneously in all the other Provinces. The orders in Lucknow by the U.P. Government covered a declaration of the Working Committee, the A.I.C.C. and all Provincial, District and Town, Tehsil, Ward and Mandal Congress Committees as unlawful associations and the provisions of the U.P. Special Powers Act of 1932 were extended to all the Districts. The Swaraj Bhawan was occupied, in Allahabad. In C.P. (Nagpur) the ban covered also the Nagpur Congress Socialist Party, the Nagpur Hindusthan Red Army and the Hindusthan Red Army. The Orissa Government declared not only the Congress Committees as unlawful associations, but the offices of these and other allied organizations numbering 38, as notified places. Lahore, New Delhi and Karachi followed suit. Only Lahore added the Punjab Socialist Party and its auxiliary bodies to the general list. The three Provincial Congress Committees in the Southern Presidency and their auxiliary bodies were likewise

banned in Madras. In Bengal and Assam and Patna, similar bans were imposed, the Sadaqat Ashram in Patna being declared a notified place. In effect then the Congress organization became the victim of an *ex parte* decree and the recipient of punishment for no known overt or covert act of disobedience. It was the clear right of the Congress to conduct the movement of protests,—call it " rebellion " in an open manner,—in a manner which by past experience the authorities realised was well-nigh inconquerable. When, therefore, the leaders who receiving their orders in terms of *high power faith* should have transformed them up to their *followers* in terms of *lower reason* and when the followers themselves were all captured and made prisoners of war before war broke out, the soldiers could not be expected to understand or even if they understood, to apply the principles of the warfare on right lines. Nor would that indeterminate but fulminating entity known as the *masses* pause to scan and scrutinize the principles of Truth and Non-violence and the policies based upon them,—before they gave vent to their pent-up wrath of decades. Nor was the example of confusion and carnage in Europe and Africa helpful to them in observing their restraint which was expected of them alone. They thought they had the opportunity of a lifetime, and they let themselves go.

The people simply grew desperate. The sudden removal of the leaders of the nation, All-India, Provincial, District, Taluka and Firka, left in the first place no responsible men or women to guide popular activities. If Government thereby thought the movement would be nipped in the bud or would die of inanition and disappear in a week or fortnight, they soon realized their undue optimism. The people grew insensate and were maddened with fury, when the slightest acts of disobedience of orders prohibiting meetings, processions and demonstrations, freedom of association and of opinion, were put down, not with a mere lathi but with the rifle and the revolver, with the machine-gun and the aerial firing. Within less than twelve hours of the arrests, the old story of brickbats and bullets got abroad. A vicious circle was set up which scandalized the citizens all round who could neither tolerate the outrages about them nor help in mitigating their horrors. The mob on their part began to stone running Railways and stop trains and cars, damage Railway stations and set fire to them or property therein, loot grain shops, cut Telegraph wires, rip open the tyres of cars, harass Victoria, bullock carts and tongas. Besides these excesses initiated by the people at large, there were hartals throughout India despite the Ordinance, prohibiting them in which the school and college students took a big hand in picketing. Educational Institutions and Universities very soon emptied and closed from one end of the country to another,—from Dacca to Delhi excepting Aligarh and from Lahore to Madras. The Benares University, however, was taken possession of by the military at an early stage in the movement. Instances of paralysing Railway traffic by removal of fishplates of rails or the rails themselves early figured on the field of Civil Disobedience, the Madras Mail being unable to proceed for a number of days and thereafter unable to proceed at nights for sometime. A whole length of 130 miles from Bitragunta to Bezwada was disorganized. In Behar, Monghyr was isolated from all external contact for nearly two weeks. The Railway disorganization was in the extreme in Bihar. The Ahmedabad Mills were all closed while in Bombay only three or four ceased work. Numerous Electric Municipal lamps, Fire brigade signal posts and Municipal carts were shattered and smashed to pieces. Near the Dadar B. B. & C. I. station on Sunday, the 9th August, a car was set fire to. There was a complete cessation for an hour of all Suburban Train Traffic both on the B.B.C.I. and G.I.P. lines on the 9th August. These and

other disorders were met by Government in no halting manner. The Police and troops had to fire on mobs in Bombay about 10 times between early morning and 4 P.M. on the 10th August,—the 2nd day of the outbreak. The casualties in Sunday disturbances (9th August) in Bombay City were 8 killed and 169 injured including 27 policemen according to a Government Report. On Tuesday the 11th August, Police opened fire in Bombay as many as 13 times from morning till 2-30 P.M. Likewise there was firing by the Police in Poona, Ahmedabad, Lucknow and Cawnpore by the 10th August. An Ordinance was passed by the U.P. Government making persons guilty of mischief by fire or an explosive object, liable to punishment with whipping in addition to the usual punishment under the Penal Code and likewise any one causing damage to any building, vehicle, machinery, etc., used or intended to be used for the purposes of Government or to any Railway, tramway, road, canal, bridge, etc., as also rape, theft in a building, robbery and dacoity, etc. Then the Local Bodies in C.P. were superseded for Congress sympathies and this province only set the pace for other provinces in this respect. Police opened fire in Poona, New Delhi and Nasik. Railway stations, Income-tax offices, school and college buildings, Post offices, Railway godowns became the common objects of mischief by arson. In Behar a mob attempted to storm the Secretariat and fire was opened by the Gurkhas killing five and injuring 19. The lawlessness of Government evoked prompt protests from high placed dignitaries like the Advocates-General of Behar and Bombay and the Government Pleader of Bombay who resigned their offices at once.

The traffic was held up in the City of Bombay. Even private cars were not allowed to proceed unless there was a Gandhi cap on the heads of at least one of the passengers. The track for the tram car wheels were filled with finely ground stone which it was not easy to remove. Chains hung at road junctions were released and tied across tramway and the path was further barred by heavy doors brought from somewhere and fixed across. It has been reported that rails of Railways were fully greased with oil so as to prevent the action of brakes suddenly applied.

### 348 Killed : 459 Injured

### Air Raid Casualties in India.

The Civil Defence Secretary replying to Mr. Chattopadhyaya in the Assembly on February 12, gave details of the time and date and number of air raids on Calcutta, Chittagong and Feni areas from September 16, 1942 to February 10, 1943.

In reply to supplementaries Mr. Symons said the total casualties in all raids on India since April, 1942 were 348 killed and 459 wounded.

### 940 Killed : 1,630 Injured

### Sequel to Disturbances in India.

Home Member, Sir Reginald Maxwell replying to Sardar Sant Singh's question in the Central Assembly on February 12, said that firing had been resorted to 538 times up to about the end of the year 1942 in connection with the disturbances following the Congress arrests.

The number of persons killed by police or military firing up to about the end of the year was 940 and the number injured 1,630. 60,229 persons had been arrested up to about the end of the year. The number of persons convicted up to about the end of the year was approximately 26,000.

He had no information about the number of persons prosecuted or the number sentenced to death or executed. Approximately 18,000 persons had been detained under Rules 26 and 129 of the Defence of India Rules

up to about the end of the year. Although as would be seen from the figures, large numbers of people had been arrested, convicted or detained, the figures by themselves gave a false impression since large numbers had also been released or were sentenced only to short terms of imprisonment or to fines. The number of persons actually in custody at about the end of the year was approximately 14,000 convicted prisoners and 11,000 persons detained under the D.I.R.

Mr. Joshi asked whether it was not a fact that the Government of India agreed to the principle that the cases of persons detained without trial should be examined by a high authority from time to time.

The Home Member said, that was in relation to the last civil disobedience.

Mr. Joshi : Do these principles vary from movement to movement?

The Home Member : Yes, Sir.

### U. P. Sabotage Activity : Govt. Report

"Reasons of space forbid the recounting of details of a movement which for three weeks put a real strain on the administration. There was widespread destruction of the property of the Railways and Posts and Telegraphs. One hundred and four railway stations were attacked and damaged, 15 being burnt down ; 16 derailments were caused ; about 100 instances of sabotage to railway tracks were reported ", says the administration report of the United Provinces for 1942.

" Over 425 cases of sabotage to telephone and telegraph wires were recorded ", the report adds. " A hundred and nineteen post offices were destroyed or severely damaged, and 32 employees of the Posts and Telegraph Department were attacked. Damage was caused to a large number of Government buildings, records, seed stores and some A.R.P. equipment. Attacks on Government servants resulted in the murder of 16 members of the police force and 332 were injured. Arrests, totalling 16,089 were made in connection with the disturbances throughout the province.

" The total amount of collective fine imposed was Rs. 28,32,000, the bulk of which was promptly realised. Recoveries by the close of the financial year amounted to slightly over Rs. 25,00,000.

" The movement was condemned by the Liberals, the Hindu Mahasabha, the Scheduled Castes and the Muslim League, but no political party or leader took any effective steps to check or control its progress. Labour remained staunchly unaffected by the movement in spite of attempts that were made to induce them to go on strike."

During the question hour in the Bengal Assembly (February 1944), the Chief Minister stated that the number of Police stations, offices and houses belonging to Government and private persons burnt by Congress before and after the cyclone in Tamulk and Contum sub-divisions of the Midnapore District were 43 and 38 respectively and the number of Congress camps and houses burnt by Government forces were 31 and 164, while those burnt by villagers were one and two respectively.

According to the replies given by the Chief Minister, Sir Nazim-ud-Din, in the Bengal Assembly, 193 Congress camps and houses were burnt by Government forces in the sub-division of Tamluk and Contai before and after the cyclone of 1942. Asked what was meant by Congress houses, the Chief Minister said that it referred to the office established temporarily by Congress Committees in those houses. In reply to another question whether *kutcha* and *pucca* houses of the inhabitants of sub-divisions of Contai and Tamluk had been burnt with all the household articles, Sir

Nazim-ud-Din replied : " Yes. But I am not in a position to state what if any buildings were completely demolished or in what, if any cases, all the household articles were destroyed ". During the same period, the Chief Minister added, " 81 thanas, offices, houses, etc., belonging to Government. public bodies and private persons " were burnt by the Congress. Asked what his authority was for saying that the Congress had committed those acts of incendiarism, Sir Nazim-ud-Din said that he was not in office when those events took place but the reports were there and " they were his authority."

The damage caused to life and property during the movement which followed the Bombay Resolution has been summarised as follows :—

| | | |
|---|---|---|
| Railway stations damaged or destroyed | .. | 250 |
| Post offices attacked | .. | 550 |
| Post offices burnt | .. | 50 |
| Post office damaged | .. | 200 |
| Telegram and Telephone wires cut at | .. | 3,500 places |
| Police stations burnt | .. | 70 |
| Other Government buildings | .. | 85 |

The number of occasions on which firing was resorted to, was pointed out by Sir Sultan Ahmed in the Assembly (24-11-1942) to be 239 by the Police only. It did not include firing in Bihar and Assam and was incomplete from U.P. and Bengal. The Military casualties were 11 killed and 7 wounded. Police killed were 31, and a very large number injured. Amongst the mob those killed (by 24th September 1942) were 658 and the total number wounded were 1,000. But as some killed and wounded were carried away by the mobs, this figure, said Sir Sultan Ahmed, might be taken roughly as 2,000. Whether there was any trouble in the Army it is not possible to say without correct information which it would not be easy to obtain. The civilian casualties from August to November 1943 included 900 killed and many more injured.

The shooting by the police on public meetings and processions, which were prohibited and on riotous mobs accounted for the number killed, but there were five instances in Bihar, Bengal and Orissa of machine-gunning crowds from the air, one of which was admitted to have taken place by mistake against Railway gang coolies. The following detailed information gleaned from the proceedings of the Central Legislative Assembly in Delhi, September 25th, 1942 may be incorporated here. " New Delhi, September 25th—Have mobs been machine-gunned from the air anywhere and if so where, asked Pandit Kunzru, in the Council of State "

Sir Alan Hartely's written reply said : "Yes, at the following 5 places :—

(1) On the railway near Giriak in Patna district, about twelve miles south of Bihar Sharif.
(2) On the railway line Bhagalpur to Sahibganj, in Bhagalpur district about 15 miles south of Kursela.
(3) Near Ranaghat some 16 miles south of Krishnagar in Nadia district.
(4) At a railway halt between Pasraha and Mahesh Khunt in Monghyr district, on the line from Hajipur to Katihar.
(5) Two or three miles south of Talcher City in Talcher State."

In the Bengal Legislative Assembly the same subject arose and in the course of question and answer Sir Bijay Prasad Singh Roy (unattached), former Revenue Minister, Bengal, referred to the Ranaghat incident and

inquired whether the " machine-gunning there was not an excess." Placing the facts regarding the Ranaghat incident before the House, Mr. Huq said that there was an army reconnaissance and they mistook some of the coolies working on the railway lines as men out for sabotage and a few shots were fired. Fortunately, there were no casualties. Lathi charges, imprisonments and fines were largely resorted to for holding meetings, processions, peaceful picketing, the shouting of slogans, hoisting flags, writing slogans in the sand. Women including girls, men including boys and students played a great part in these demonstrations. Flogging and caning were the order of the day. Students were flogged sometimes because they had stones in their hands. Collective fines were levied on villages and towns alike for wire-cutting and damaging of public buildings. The total exceeded a crore of rupees. " Arrests without warrant under the Defence of India Rules could now be made by all officers and members of the security corps. The chaos that prevailed in two divisions of the Midnapore district in Bengal, namely, Tamluk and Contai divisions may be realised by some figures furnished by Government :—

| | | |
|---|---|---|
| Houses burnt by Congress— | | |
| Police and Government buildings | .. | 43 |
| Private houses | .. | 38 |
| Houses burnt by Government— | | |
| Congress Camps | .. | 31 |
| Private houses | .. | 164 |

It was little known to the public that there was a strike at Jamshedpur in connection with the movement. The Tata strike has been referred to in his book entitled "*India Since Cripps*" by Mr. H. V. Alexander of the Friends' Society, England who writes on page 47 :—

> " It has not been so generally known that 20,000 men, the whole of the working staff of Tata's Iron and Steel Works, by far the most important Munitions Factory in India, went on strike for a fortnight and there was no disorder. But when it became clear contrary to widespread anticipation that neither the Railwaymen nor the other Industrial workers in any number were joining them and that the Congress ' Lightning stroke ' was a failure, the management induced the men to return to work on the understanding that the management itself would do its utmost to bring a National Government into being."

Sir Ardeshar Dalal's appointment later to the Viceroy's Executive Council was perhaps meant as a partial fulfilment of this understanding which, if it was serious on the part of the management, must have been given with due support from Government who knew their own responsibility in that behalf.

Within less than three weeks events happened in India which may well be studied. The most notable amongst them was the resignation by Sir C. P. Ramaswami Iyer of his membership of the Governor-General's Executive Council. He had joined only on the 5th of August and had barely held office for a fortnight when he resigned. While many a member chosen to the high office in the Viceroy's Executive Council would have rushed to his place, in the case of Sir C. P., it was not the pleasure of a first favour that awaited him. He had held the place already and the story of Lord Willingdon's recommendation to appoint him as Defence Member has already been told in these pages. This time he had made his own conditions and got their categorical acceptance by Whitehall, a condition

prerequisite to acceptance of office by himself. But the leopard cannot change his spots nor the Ethiopian his skin, nor the bureaucrats their ways. It was a fine mess that he found when he went to Delhi. Apparently the first thing he was called upon to consider at the first meeting of the Executive Council that he attended, was the policy relating to the arrest of Gandhi and the Working Committee. Was it to be before the sitting of the A.I.C.C. or after? That was all the issue open to the Committee at the time. There was hardly any question of waiting for Gandhi's letter to the Viceroy which it was well known even before the 5th August would certainly be written. But that was not all. The repressive orders and ordinances were all ready. Sir C. P. had selected the portfolio of Information by election and had given an elaborate description of his duties before taking up office. He had also expressed the hope that he would strive for a settlement by contacting Gandhi. All this proved a failure. He was forestalled altogether and he had but Hobson's choice at the very first opportunity for he agreed with the rest and as the Government's *communique* made it plain that the decision to arrest Gandhi and his colleagues was a unanimous one. The fact seems to be that Sir C. P. had been forestalled by the Home Department which had, by the time he joined, made its decisions by poaching upon the functions of the Information Department. It was then a question of " marriage at the altar and divorce at the Church gate ". But decencies of life demand some appreciable interval before the " sacred " ties of Office could be snapped once and for ever. In this case the lapse of a fortnight discovered an excuse that the interests of the States demanded his presence at Cape Camorin—not at the heights of the Himalayas. So he took a leap. But he looked before he leapt. His statement appears to have been drafted less to reveal truth than to conceal it and so is Government's. Here they are :

A New Delhi *communique*, dated August 21st states that Sir C. P. Ramaswami Aiyar, Member for Information and Broadcasting, has resigned, and his resignation has been accepted by the Viceroy. An announcement as regards his successor will be made shortly.

A *communique*, announcing the resignation, says : Sir C. P. Ramaswami Aiyar has intimated to the Governor-General that he takes so serious a view of the suggestions which have now been made in the public Press as to the attitude of the Indian National Congress towards the Indian States, and regards with so much concern the suggestion attributed to Mr. Gandhi that India, " including Indian India ", should be made over to the Muslim League, that he does not feel that he can, consistently with his obligations to the Indian States with which his association has been so long and so close, and consistently with his anxiety to be free to organise against any threat to their integrity and their position, continue to remain a Member of the Government of India. And he has asked the Governor-General to set him free, so that he may be at liberty to take up this matter, which he regards as of the first importance.

Sir C. P. Ramaswami Aiyar, in his letter of resignation, adds : " I wish to make it clear beyond all possibility of doubt that I am in full agreement with the action taken and the policy pursued by the Government of India, of which I have been a Member, in respect of the Civil Disobedience campaign contemplated in the resolution of the All-India Congress Committee, of which we see the calamitous results today, and that my resignation is solely due to my desire, at this critical period of Indian history to express my views and

take the necessary action with complete freedom of speech and movement with reference to the mass action which, if unchecked, is bound to hamper India's progress and war efforts and the constitutional changes that may be proposed in so far as they affect the Indian States, in whose well-being and fortunes I am vitally interested."

The Governor-General has accepted Sir C. P. Ramaswami Aiyar's resignation with very great regret.—A. P.

Sir C. P. Ramaswamy Aiyar left for Bombay on Saturday morning *en route* to Madras. Sir Frederick Puckle, Secretary, and Mr. P. N. Thapar, Deputy Secretary, Information and Broadcasting Department, and a few personal friends of Sir C. P. Ramaswami Aiyar were at the railway station to bid him good-bye.

On the eve of his departure, Sir. C. P. Ramaswami Aiyar, in an interview, said : " Speaking in Trivandrum just before I left for Delhi to assume the position that I have relinquished, I said that my main, if not my sole, endeavour would be to help in bringing about reconciliation of the various elements in the body politic that are now following divergent, if not antagonistic, paths. I added that if I succeeded, I should have done my bit for my country. If I failed, I should feel, at least, that I had tried hard. There is little doubt that I have failed.

" I deplore that the most influential political organisation in India coupled with their constitutional demands—which, whether immediately accepted or not, were still an appropriate basis for discussion and mutual adjustment —programmes which, whatever the intentions of the originators were, have produced, and could not but produce, violent demonstrations of mass feeling and an orgy of purposeless destruction. This is, however, not the time to content oneself with levelling reproaches, for I believe that the issues are so great and the impending risks of the continuance of present conditions so pervasive and so imminent that immediate and resolute action is needed.

" I am even now, hopeful that if, by the determined and conjoint efforts of all well-meaning persons, the present Civil Disobedience movement can be immediately called off without the need for further executive action, all that political India is longing for can be soon achieved.

" Success in constitution-building can only be the result of political compromise, and if the feeling is aroused in British India and in the Indian States that everything will be lost by mutual acerbities and everything can be gained by the cordial discussion of basic issues, the posture of affairs is such that the goal of India can be reached sooner than many persons imagine.

" So far as I know, there is no force that can check the inevitable advance towards complete nationhood if the unity of India and the harmonious alignment of the great elements of the State were achieved.

" I have been recently unconnected with British Indian politics, but I do not yield to anyone in my adherence to their ideals. May I appeal to the Congress, the Muslim League, the Hindu Mahasabha and the great minorities to come together amongst themselves and with the Indian States (whose place in India must be secured ; whose importance cannot be ignored and the all-round progress made by many of them is far in advance of what has been achieved in British India ).

" Let us proceed without any doctrinnaire prepossessions and without non-possumus attitudes, resolved to end anarchy and as soon as practicable

to make India one of the predominant factors, as she is entitled to be, in world affairs during and after this war. Such are, and should be, the heartfelt prayers of all men and women of goodwill and high hope."

"On the occasion of my resignation of membership of the Governor-General's Executive Council", says Sir C. P. Ramaswami Aiyar in a statement to the Press, "I cannot but publicly acknowledge the great debt that I owe to His Excellency the Viceroy for the personal friendliness and the uniform and cordial co-operation as well as the friendly candour of which I have been the recipient before and during my brief tenure of office as His Excellency's colleague. I can now, without any risk of misconception, state that in him we have a high-souled and most sympathetic administrator.

"It is my hope and trust that during the remaining months of his Viceroyalty the conditions in this country will return to normaley, so that he can play the effective part that he should and can fulfil in furthering India's ideals, in order that, after the victorious termination of the war, this country, as a united and powerful political entity, may achieve all the rights of full nationhood."—Associated Press.

"Sir C. P. Ramaswami Aiyar's resignation from the Viceroy's Executive Council had not come altogether as a surprise to political quarters here. The main reason for his action is undoubtedly his anxiety to play a role in the polities of Indian States. Another reason for the step he has taken was given by Sir C. P. Ramaswami Aiyar in a statement he made to Press representatives before his departure this morning for Bombay *en route* to Trivandrum. He says he has failed in bringing about the reconciliation of the various elements in the body politic.

Sir C. P. Ramaswami Aiyar's resignation may also bring into prominence the present distribution of portfolios. For instance, the Department of Information is expected to deal with the Press and assure proper publicity for official material, but the administration of Press laws is the responsibility of the Home Department and the series of recent restrictions and penal actions against the Press and pressmen have not been the concern of the Information Department. Similarly, there is overlapping between the Home Department and Civil Defence Department and between the Commerce Department and Education Department.

In fact, one of the reasons why the question of complete Indianisation of the Viceroy's Executive Council has gained importance in political quarters is that departmental powers under the present rules of business are so large that certain members of the Executive Council perhaps feel that joint responsibility would work more smoothly if either the Council were Indianised or portfolios were regrouped."

While the turbulent elements of society partly bent on adventure but mainly provoked by the leonine violence of Government to acts of counter-violence, were providing a menace to public security, anxiety was being felt for weeks on end regarding the health of Gandhi and his associates on the one hand at the Aga Khan's bungalow in Poona and on the other of the members of the Working Committee whose whereabouts were kept a closely guarded secret. In particular, public anxiety was concentrated on the question whether Gandhi would go into a fast as he had announced earlier before arrest, and if so, with what result. While this feeling of anxiety was at its height and before a week passed from the day of the arrests came the news like a bolt from the blue of the sudden demise of Mahadev Desai.

## THE "OPEN REBELLION"—1942.

"Some writers have so confounded society with Government as to leave little or no distinction between them; whereas they are not only different but have different origins. Society is produced by our wants and Government by our wickedness; the former promotes our happiness positively by uniting our affections, the latter negatively by restraining our vices. The one encourages intercourse, the other creates distinction. The first is patron the last is punisher.

"Society in every state is blessing, but Government, even in its best state is but a necessary evil; in its worst state an intolerable one; for when we suffer, or are exposed to the same miseries by a Government, which we might expect in a country without Government, our calamity is heightened by reflecting that we furnish means by which we suffer."

"Men of passive tempers look somewhat lightly over the offences of Great Britain, and still hoping for the best, are apt to call out, come, come, we shall be friends again for all this. But examine the passions and feelings of mankind; bring the doctrine of reconciliation to the touchstone of nature, and then tell me whether you can hereafter love, honour and faithfully serve the power that hath carried fire and sword into your land? If you cannot do all these, then are you only deceiving yourselves, and by your delay bringing ruin upon posterity. Your future connection with Britain, whom you can neither love nor honour, will be forced and unnatural and being formed only on the plan of present convenience, will in a little time fall into a relapse more wretched than the first. But, If you say, you can still pass the violations over, then I ask, hath your house been burnt? Hath your property been destroyed before your face? Are your wife and children destitute of a bed to lie on, or bread to live on? Have you lost a parent or a child by their hands, and yourself the ruined and wretched survivor? If you have not, then you are not a judge of those who have. But if you have and can still shake hands with the murderers you are unworthy of the name of husband, father, friend or lover and whatever may be your rank or title in life, you have the heart of a coward and the spirit of a sycophant."

"The more men have to lose, the less willing are they to venture. The rich are in general slaves to fear, and submit to courtly power with the trembling duplicity of a spanial."

"I have as little superstition in me as any man living, but my secret opinion has even been and still is, that God Almighty will not give up a people to military destruction, or lead them unsupportedly to perish, who have so earnestly and so repeatedly sought to avoid the calamities of war, by every decent method which wisdom could invest. Neither have I so much of the infidel in me, as to suppose that he has relinquished the Government of the world, and given us up to the care of devils; and as I do not, I cannot see on what grounds the King of Britain can look up to heaven for help against us; a common murderer, a highwayman or a house-breaker has as good a pretence as he."

"I call not upon a few, but upon all; not on this state or that state, but on every state: up and help us: lay your shoulders to the wheel: better have too much force than too little, when so great an object is at stake. Let it be told to the future world, that in the depth of winter, when nothing but hope and virtue could survive, that the city and the country alarmed at one common danger, came forth to meet and repulse it. Say not that thousands are gone, turn out your tens of thousands; throw not the burden

of the day upon Providence, but "show your faith by your works", that God may bless you. It matters not where you live, or what rank of life you hold, the evil or blessing will reach you all. The far and the near, the home countries and the back, the rich and the poor, will suffer or rejoice alike. The heart that feels not now, is dead: the blood of his children will curse his cowardice, who shrinks back at a time when a little might have saved the whole and made them happy. I love the man that can smile in trouble, that can gather strength from distress, and grow brave by reflection. It is the business of little minds to shrink; but he whose heart is firm, and whose conscience approves his conduct, will pursue his principles into death. My own line of reasoning is to myself as straight and clear as a ray of light. Not all the treasures of the world, so far as I believe could have induced me to support an offensive war, for I think it murder: but if a thief breaks into my house, burns and destroys my property and kills or threatens to kill me or those that are in it and to 'bind me in all cases whatsoever" to his absolute will, am I to suffer it? What signifies it to me, whether he who does it is a King or a common man; my countryman or not my countryman, whether it be done by an individual villain or by an army of them. If we reason to the root of things we shall find no difference: neither can any just cause be assigned why we should punish in the one case and pardon in the other. Let them call me rebel and welcome. I feel no concern from it; but I should suffer th: misery of devils were I to make a whole of my soul by swearing allegiance to one whose character is that of a sottish, stupid, stubborn, worthless brutish man. I conceive likewise a horrid idea in receiving mercy from a being, who at the last day shall be shrieking to the rocks and mountains to cover him and fleeing with terror from the orphan, the widow and the slain of America.

"There are cases which cannot be overdone by language, and this is one. There are no persons too, who see not the full extent of the evil which threatens them; they solace themselves with hopes that the enemy, if he succeed, will be merciful. It is the madness of folly, to expect mercy from those who have refused to do justice; and even mercy where conquest is the object, is only a trick of war: the cunning of the fox is as murderous as the violence of the wolf; partly by threats and partly by promises, to terrify or seduce the people to deliver up their arms and receive mercy.

"If ever a nation was mad and foolish, blind to its own interest and bent on its own destruction, it is Britain. There are such things as national sins, and though the punishment of individuals may be reserved to another world, national punishment can only be inflicted in this world.

"Britain, as a nation, is in my inmost belief, the greatest and most ungrateful offender against God on the face of the whole earth; blessed with all the commerce she could wish for, and furnished by a vast extension of dominion with the means of civilising both the eastern and western world, she has made no other use of both than proudly idolize her own 'thunder' and rip up the bowels of whole countries for what she could get: Like Alexander she has made war her sport, and inflicted misery for prodigality's sake. The blood of India is not yet repaid nor the wretchedness of Africa yet requited. Of late she has enlarged her list of national cruelties by her butcherly destruction of the Caribb of St. Vincent's and returning an answer by the sword to the meek prayer for 'Peace, liberty and safety'. These are serious things, and whatever a foolish tyrant, a debauched court, a trafficking legislature, or a blinded people may think, the national account with heaven must some day or other be settled. All countries have sooner or later been called to their reckoning; the proudest empires have sunk when the

balance was struck ; and Britain, like an individual penitent, must undergo her day of sorrow, and the sooner it happens to her the better as I wish it over, I wish it to come, but withal I wish that it may be as light as possible ".

From THOMAS PAINE
" Commonsense and Crisis "
10—1—1776.

India's too was an open movement for Independence to be attained, however, by non-violent means. It was in its latest phase, roughly described as ' open rebellion ' which always dates as Paine puts it, provided however, no further parleys be contemplated simultaneously from its publication, verily as he said of America in 1776, " these are Times that try men's souls ". Trying alike to the Indians because of their unknown struggle ahead and to the Americans because they have forgotten their well known struggle in the past, now, verily, a distant past, when they had jettisoned the chests of Tea into the waters of the Boston harbour—when Washington and the men that stood with him declared the American Independence. Trying too are the times for Government, which may be disorganized, but society holds on. The Laws of the State may be disobeyed but public opinion which lies behind society and individual conscience which in the aggregate forms public opinion, are real forces that maintain order and peace. Government only comes in to correct and control the wicked. The vast bulk of the people are order-loving but Government cannot shed its consciousness of power. In the words of Paine :

> " Britain, as a nation, is in my inmost belief, the greatest and most ungrateful offender against God on the face of the whole earth ; blessed with all the commerce she could wish for, and furnished by a vast extension of dominion with the means of civilizing both the eastern and western world, she has made no other use of both than proudly idolize her own ' thunder ' and rip up the bowels of whole countries for what she could get : like Alexander she has made war her sport, and inflicted misery for prodigality's sake. The blood of India is not yet repaid nor the wretchedness of Africa yet requited ".

India does not wish to avenge the blood shed by England nor, like the writer, does she hold that " Britain like an individual penitent, must undergo her day of sorrow ". India wishes Britain well as much as America wishes. India only prays that America and Britain may wish India well equally and declare her freedom and independence.

The year 1943 witnessed scenes and spectacles in the vicissitudes of war, of a quite an unexpected kind. This horrid war with its attendant and inevitable confusion and chaos came near the close of one chapter and one stage of its bloody progress. The sudden resignation of Mussolini from his premiership spelt the liquidation of fascism. It looks as though it is lucky for Asia that the ideology of Europe was divided and therefore the strength of the European Nations was attenuated—nay dissipated by the mutual antagonisms between Fascism and Communism on the one hand and between these two and Inperialism on the other. The liquidation of the Third International announced on the second anniversary of the war by Stalin marked the termination of Communism as an International menace, whatever might be its longevity within the borders of Russia. Thus Russia became dearer and nearer to the Allied Nations of Britain and America. The disappearance of the Il Duce from the scene of his nineteen year glory and greatness removed one-half of the Fascist elements from their very

birth-place. These developments left Nazism to measure its strength with the established Imperialism of Britain and the incipient imperialism of America.

Let us go back for a moment to the days of Chengizkhan and Tamerlane and see whether the world of force and violence has at all improved. From the twelfth to the fourteenth centuries, those adventurers of Tartar and Moghul tribes took pride and pleasure in the destruction of fellow tribes often professing in the days of the latter at any rate the same Islamic faith and owning allegiance to the same accepted Paigambar. The holy word—the Kalam-i-Pak was no more a cementing bond between the warring tribes of Central Asia, Asia Minor and Hindusthan than Christianity is today the bond of affinity between two Protestant nations like Britain and Germany or two Catholic nations like France and Italy or two Christian groups of nations like Britain and France on the one side and the Germany and Italy on the other. Timur invaded area after area in Central Asia, then travelled to Iran, Iraq, Syria on the one side, Anatolia, the Caucasus, Georgia and Moscow on the other, stretched his armies far beyond Kabul and Kandhar to Mooltan and Delhi on one side and Naples and Venice on the other. Personal grandeur and glory, the perpetual maintenance of adventurous armies and their occasional reward in loot—these exhausted the war aims of Timur, the lame, who always travelled on horseback. He counted a lakh and a half of horses at one time in his cavalry, took his Begum and children in his campaigns. He faught with daggers and lances and swords and covered himself with fame and filled the pages of history with the tales of his gory conquests. Europe was then lying at the proud feet of the Asiatic conquerors. For over a thousand years Asia had asserted its superiority over Europe. Babar was the great grandson of Timur. He started life like his great forebear and ultimately settled himself on the throne of Delhi at a young age and transmitted a glorious Empire to his progeny. Then came the turn of Europe to raise its head and overpower the Asiatic Nations, to liquidate their Empires, to hold sway over millions of Asiatic populations. The Industrial age was the age of Europe's eminence in the pursuit of Trade and the acquisition of Territory. Wars were undertaken in this new age beginning with the invention of the steam engine in 1783 for a new purpose and on new lines. Their character changed at first from century to century and later from decade to decade. Those who remember the way the World War No. I was conducted, were taken aback at the time by the dreadnoughts, the submarine and the aeroplane, finally by the new powerful guns and the tanks which only raised their head for the first time towards the close of that war. World War No. II surpassed all expectations. The battleship became an antiquity, the submarine paralysed merchant shipping. The word 'contraband' disappeared from Martial phraseology. Everything was contraband in this war, munitions and food, private passengers and commercial freights. The aeroplane came into prominence. The convoys were powerless without an umbrella of aeroplanes in the high Heavens. Bombing became the accepted method of warfare, bombing not merely of aerodromes and harbours, munition factories and military barracks, but of the civil populations, not excluding hospitals and hospital ships, churches and libraries, Royal residences and Parliament Houses, Art Galleries and Theatres. Every day of the week, every month of the year and every year of the war, scientists were presenting new weapons of warfare. Mines were counteracted by mine sweepers but magnetic mines came into being which were being counteracted by anti-magnetic coils. Above all, poisonous gases were

threatened and when necessity arose in the view of belligerents, war prisoners and even hostages and private citizens were shot and buried in their thousands. The mediaeval barbarities of Timur and Chengiz paled into insignificance before the fierce cruelties of the modern methods of civilized warfare. It was into the midst of such a warfare that the Congress in Hindusthan butted, projecting its non-violent camera into the scenes and seeking to inaugurate a new method of bloodless revolution as a method of international arbitrament. Over and over again, she tried not to embrace Britain in her troubled times. For a year after the outbreak of the war had she desisted from all active programme. But as is the wont of powerful nations wedded to violence, courtesy was mistaken for weakness, while non-violence was equated to positive cowardice.

## CHAPTER XV

### Reaction in America

Between the broad Pacific on one side and the mighty Atlantic on the other, the Indian Ocean area might well be regarded as comprising a single strategic zone in times of peace. It may be deemed as the connecting and coping stone of the arches of culture that link the old world with the new. Actually India is neither a Pacific Peninsula nor an Atlantic country. She is the land that provides the acid test of "sincerity of the professions of the United Nations which must be judged by Britain's acts in India and by America's spoken or silent approval of those acts".* Accordingly India cannot be divorced either from the problems of East Asia or the larger problems of world peace for, say what you may, she is the coy maiden, the glamour girl that disturbs the equanimity of the civilized and lustful world. Her vast population provides the much-coveted market for the industrial civilizations of the world, leading to conflicts between Japan and Britain, Britain and Germany, Germany and America and America and Japan. Her virgin forests, her untapped minerals, her agricultural wealth and her horticultural produce, constitute the rich jewellery that adds natural ornamental value to her grace, and invest her attractions with an added charm in the eye of the Imperialistic nations of the world. Descending, however, from the simmering heights of sentiment to matters of the earth earthy, we find that in the second great World War in the 20th century, she has figured more prominently than in the first and has formed an excellent base of operations as well as supplies for helping China and combating Japan, for controlling the Middle East and paving the way to Russia. She has, therefore, become the cynosure of all eyes, the observed of all observers, the centre of universal attention. While, therefore, America no less than Britain has coveted and got a foothold on India for her armies and military preparations, the people of India who have long and fondly cherished an uplifting faith in America's inherited democratic bias and puritanic outlook, her essential love of justice and fairplay, her ardent espousal of the cause of small nationalities and subject populations, have been overborne by doubt and difficulty as to why America has been playing fast and loose with her professed principles and playing false to her established reputation. The answer lies in the fact that America, as World War No. II proceeded, no longer remained a disinterested nation, taking its stand on the Monroe Doctrine leaving her own continent to the policy of isolationism in respect of Europe and Asia, but became a participant, partner and partisan in Britain's battles and therefore became too vitally interested in the victories and defeats of this war to cultivate a detached sense of justice and fairplay. It was to America's interest to see that Japan was defeated and to that end, India was made the footboard for the acrobats of war from which to jump on to the Isles of Japan. And America knew so little of India and was so nervous about her that she had to accept the verdict of Britain on India's political position *vis-a-vis* the war. To America, India's problem, therefore, became Britain's domestic affair and no more and in any case certainly not America's unbiassed and impartial concern. The reactions to any Indian struggle for her emancipation from the tentacles

* Hallett Abend : Pacific Charter.

of Britain, of America in her new situation as a belligerent, financier and *primus inter pares* amongst the allied nations, are worth careful study, not alone in the interest of India but equally, in the larger interests of the world problems involved in this war. In this view throughout this volume have the rises and falls in the American barometer been carefully and chronologieally recorded.

If the movement that followed the Bombay Resolution of August 1942 and the arrests of Gandhi and the Congress leaders had taken place in the early beginning of the war, its reaction in America would doubtless have taken a course widely at variance from what it actually was. For, as the war developed, the United States which well remembering the financial relations of Britain to America in World War I and the former's failure to pay up her debts to the latter, reopened business connections on the strict plane of " cash and carry ", had, after Britain's securities in the U.S.A. been exhausted, to devise a new system which was deseribed as lend and lease. This latter brought America into closer financial and business relations with Britain and until Japan bombed the Pearl Harbour (December 7, 1941) continued to be such. Following that event, however, there were not merely sale and purchase and lend and lease between the two nations, but there came to be established an identity of ideal and purpose, a oneness of interest and programme. America undoubtedly exeercised a certain measure of influence over Britain in 1939-40 and1941 —such as the seller does over the buyer, the lender over the borrower and the landlord over the lessee. When once the U.S.A. joined the war as a belligerent, she became one of the many, though she held the undoubted position of a *primus inter pares*. The war was as much America's as Britain's for had not the Philippines been occupied by Japan and the Land of the Rising Sun begun to aim at supremacy in the Pacific, notably New Britain and New Guinea and a host of islands round about Australia threatening danger to that island continent and hoping easily to make it a base for attack on U.S.A. To expect Americea then. to influence Britain in respect of India and her constitutional development, was out of the question, although the savants of Britain, and the Press correspondents in India from America encouraged such a hope. Whatever it was, the Congress felt it owed to itself that it should make known its intentions and resolutions both in America and China. That is the reason why the President as well as Gandhi and Jawaharlal Nehru emphasized in Bombay at the meeting of the All-India Congress Committee the fact that the heads of these nations would be addressed on the subject..

On the side of the British Government, they knew that the centre of gravity of the Indian problem was gradually shifting from London to Delhi on the one hand and to New York on the other. That was why they thought it necessary to post a competent representative to the United States and their choice fell upon Mr. Bajpai, I.C.S. Between Lord Halifax who was the British Ambassador in the United States and Sir Girija Shaker Bajpai who was the Government of India's High Commissioner, they felt their interests were safe and if proof were wanted, proof lay in the anticipations of Lord Halifax on the 19th of April, 1942, regarding the failure of Cripps' Mission in India, before even the break came into being in Delhi. Lord Halifax had belittled the Congress and justified Britain and her agent Cripps before the American public. The same strategy was obviously to be in force, while the Congress had to depend upon the generosity of Britain in letting messages go from India to America, upon the voluntary workers in the States and upon the goodwill of the American correspondents in India. When even the latter

could not get their messages regarding the Bombay Resolutions through to America, it was said that one of them flew to China and transmitted his message from there to his principals. To India undoubtedly, the fight was an unequal one and yet the Indian Government continued to send additional touring lecturers to the States who went there in the capacity of representatives to the Pacific Relations Conference (December 1942) and toured the country espousing and explaining the cause of their Principals and justifying their policy.

*Per contra* even as the Indian and British Governments' representatives were sent to the U.S.A., the latter's representatives figured in India from time to time. The name of Col. Johnson became an altogether familiar one in Indian political circles in connection with the Cripps' Mission. That was in April, 1942. He soon left for America and on the morrow of the day the Bombay Resolution was passed by the A.I.C.C., another of President Roosevelt's representatives, Mr. Lauchlin Currie arrived in New Delhi (9th August 1942) and had, it was said, a long talk with the Viceroy. Although political quarters were inclined to attach importance to this meeting, yet American circles discouraged speculation while Mr. Currie himself neither addressed a Press Conference, nor met any representative Indians. And he was no more heard of. The next to fill the Indian political atmosphere was Mr. William Philips about whom we shall have occasion to write later. He left India towards the end of April 1943 exactly a year after Col. Johnson had left and he was followed by Archbishop Spellman. Thus the American President kept himself in close touch with the progress of events in India. That is not all. There was amongst the American correspondents in India in the early summer of 1942, a notable personality who while he stayed in India, gave no inkling into his convictions but who, on arrival in America, carried on a tearing, raging propaganda setting forth India's case tersely, logically and impartially. He was the bearer of a message from Gandhi to President Roosevelt as he departed India sometime in July 1942 and there is reason to believe that although Gandhi was allowed no time to send his missive to Roosevelt following the acceptance by the A.I.C.C. of the Bombay Resolution, still his personal message to President Roosevelt was delivered to him by Louis Fischer, requesting him to act as an intermediary, to break the deadlock created on India's demand for Independence.

While it must be admitted that there are numerous writers and thinkers in the United States who have certainly pulled their weight in espousing the cause of India, the men in authority singnally failed to bring pressure upon those in power in Britain to render justice to this woe-begone land. The fact was that although on 4th July, 1776 the people of America recorded for all time in a Declaration of Independence their right to live in liberty and one and a half centuries later, the people of America, through their President, reaffirmed the right of all men to freedom—Freedom of speech, Freedom of religion, Freedom from want and Freedom from fear, although further " the American people avowed their determination that they will not permit these Freedoms to disappear from the earth and that they are pledged with the United Nations to destroy utterly those forces which seek to enslave mankind " yet the sad fact remained that the great President of America who was the author of the " Four Freedoms " and who on 11th August. 1942 declined to comment on the situation in India, passed away on the 13th April, 1945 without realizing the fulfilment of those pledges and freedoms in respect of India.

But it is extraordinary that even earlier than this a message should have been flashed to India from Washington, dated August 8th :

" The Resolution voted by the Congress Working Committee to address an appeal to President Roosevelt, Marshall Chiang Kai-Shek and M. Maisky to support its demand to Britain to grant India immediate Independence, is not likely to get a favourable response in Washington, according to close observers of the situation.

" The *Washington Post* remarked ' the appeal does not request these three to mediate in the dispute, but merely urges them ' to play the role of a collective bludgeon with which to dragoon the British into pursuing a course of action which the British Government has no intention of pursuing at this critical juncture, and which, in the interests of all concerned they could not possibly afford to pursue '. The paper asserts that the Congress party ' apparently does not trust the objectivity and good faith of these individuals to that extent '."

From this moment right through a period of over nine months there was a neck to neck race between the British and Indian Governments on the one part and notable Pressmen and publicists on the other, to educate the American public and influence the American President on the Indian problem. Soon after Cripps' return to England he contributed an article to the *New York Times* and his Private Secretary Mr. Spry was sent to President Roosevelt to explain matters. Mr. Spry wrote to the American Press justifying the stand taken by Cripps and criticizing that of the Indian National Congress. This evoked a prompt and slashing reply from the powerful pen of Louis Fischer who contributed a series of articles quoting chapter and verse from the records of the Congress, from his conversation with the Viceroy and from discussions he had with high placed men in India. It took long for these articles to reach India but when they were published in the Indian Press, they opened out a new vista and vision of the passion and fervour created in favour of the Indian cause amongst the American Public. Edgar Snow, another wellknown American correspondent had written a series of articles and these together with a fine, correct and comprehensive statement of the Indian situation in the American Magazine *Pacific Affairs* and the public lectures delivered by Louis Fischer himself in America beginning so early as December 1942 easily dispelled the clouds of smoke and suit spread by the British agents aided by the British Ambassador in America.

As against these there were not wanting journalists like Earnest Lindley with a reputation for being the unofficial spokesman of President Roosevelt who held that " the problem was a delicate one for the American Government and that after the rejection of Cripps' proposals by the Indian National Congress, American opinion, official and private, swung against the Congress party and swung even more sharply with the revelation that Gandhi was against armed resistance to the Japanese and proposed to negotiate with them—although this was probably not Quislingism as understood in the West but rather an expression of a religious and fanatic faith in the ability of non-violent resistance to deprive the enemy of the fruits of conquest ". The writer proceeds to point out that—

" There was danger that the effect would be to turn the Congress party leaders quite as bitterly against the United States as against Britain and in the hands of persistent propagandists, to create an impression that the white peoples of the United Nations were joining hands in a policy of Repression. This danger was alleviated by the

* In an article published *in* " The Washington Post ".

President's announcement that American troops in India were there only to fight the Axis and that instructions had been given to them to hold aloof from internal affairs. But the danger has not been entirely removed and can be removed only if another effort is made to settle the Indian internal political difficulties by negotiation."

Diverse methods of treatment were prescribed for the malady of the Indian body politic but all conformed to the true principle which must guide them. It was seriously contended that " the Indian problem should be solved by a Tribunal of representatives of the United Nations.

" A constructive approach to India is one based on a joint decision by the United Nations as to their intention in the event of victory ", says the *Atlantic Magazine*, " India must be part of the general settlement ".

It was not merely in the United States that such early expression was given to the Indian problem. In Canada which forms a Dominion of the British Empire, the Co-operative Commonwealth Federation which is one of the main Canadian political parties urged the Prime Minister Mr. MacKenzie King, to take steps through the United Nations to reopen negotiations for " Self-Government for India now as well as after the war ".

In the month of October 1942, hardly two months after the arrests following the Bombay Resolution, the U.S.A. were convulsed, with emotions stirred to their depths, by the speeches and writings of statesmen, authors and journalists who proved to an expectant world that the spark of Freedom kindled by Washington and the men who stood with him over a century and half ago spread its fires to India. Here was Pearl Buck, the Nobel prize recipient with her forceful pen ever ready to espouse the cause of dependent India, there was Lin Yu Tang, the famour Chinese author whose sympathies for India were no less intense than his passion for his own motherland. Everywhere was Wendell Willkie broadcasting his unmitigated criticism alike of Britain and America and castigating the upholders of Imperialism whether in the West or in the East in no halting measure or in no uncertain terms. That these comments and criticisms did not fail to evoke response in the hearts of the civilised world is evident from the literature in the Press that immediately followed them. It is worth while revewing some of these, not in any fond hope that India's cause has secured an unfailing support beyong her boundaries, but for the certain purpose of reminding ourselves that Britain's autocracy in India was being carefully watched by the eagle eye of lovers of freedom everywhere.

Lin Yu Tang who is described (1943) as " the most striking figure thrown up in the world of English letters during the last 10 years, is held up as a symbol of unity of the East and the West, an Eastern philosopher and humanist writing in a Western language, who has given the " best interpretation of Chinese life and character and history and philosophy that has been presented to the Western world ". In an article to the " *New Masses* " he " exposed and denounced the conspiracy on the part of certain powerful elements in Britain and America to establish Anglo-American domination of the world and proved it by quoting from " recent " literature on the subject. According to these writers, even the International Police would be just an Anglo-American Police Force and the principle of equality would not be admitted in any future World Federation. " At the bottom of it all ", says the Philosopher, " is the fascist idea of racial superiority characteristic of Goebbels and Hitler. So long as racial arrogance exists, no true equality of the nations of the world can be admitted ". He expresses the apprehension accordingly that " even as the war is conducted in Washington and London, so will the Peace be conducted.

He has no hope that Churchill, however worthy as leader in war, will measure up to the stature of Abraham Lincoln, a man great enough for Peace. "Our least hope lies in President Roosevelt for the stature of Winston Churchill is already revealed in his statement in the Commons that the Atlantic Charter will not apply to India". What is wanted, says he, is a Union of India and China and Russia, of a thousand million people or half the world's total population, as against the Union contemplated by Clarence street which excludes India and is conceived for the safety exclusively of the English speaking races but must be modelled after the suggested pattern of the latter. The real difficulty in the way of India or China being admitted into one World Union is their population and the overwhelming numbers of their representatives on its Senate. And on the more immediate problem of India's emancipation, Lin Yu Tang has some straight views to express :—

"Mr. Lin Yutang, the well-known Chinese author, in a message to *Free World*, a new monthly magazine, representing a movement which had already secured influential support in the New World, argued the case for immediate grant of freedom to India.

"English, Chinese, Spanish and French editions of *Free World* have already begun to appear and arrangements are being made to bring out an Indian edition in the near future.

"Mr. Lin Yutang, in the course of his message to the magazine, observes "Momentous events are happening in Asia affecting not only the 390 million people of India, but also the future progress and essential character of the war the United Nations are fighting. As a Chinese, I know China would be the first to be directly affected by it. It is imperative that we examine the events in India not as idle critics, but as responsible participants in a conflict between our two Allies, England and India. By our applause given to one or the other or by our very tolerance of the conflict, we prolong or shorten the conflict. The United Nations have a moral duty. I therefore plead for a stern sense of realities of the Indian situation.

"We have been feeding ourselves on anti-Hindu propaganda. We might accept, for our own peace of mind, the fiction that Congress is not representative of India, the lie that it does not include Muslims, that Mr. Jinnah is very, very important, that the English are loved in India and everything is very pretty. We acquire a sense of moral triumph by accepting the version that it is not we who do not want to give India freedom, but it is India who is not united in wanting it. By the acceptance of that fiction and our passive inaction in the months following the Cripps Mission, we have ourselves precipitated this inevitable conflict.

"The time for delusions is past and we must now pay for it. But our own fate is involved in it. We must break through the pall of abuse, misrepresentation and calumny against India that is being spread in America. Intelligent citizens know that India's case has never been represented to Americans except through the eyes of British censors at Calcutta and New Delhi, that the news about India is incorrect and inaccurate and very often distorted. It is a law of human nature that we must abuse those whom we were to prove that we are injuring them for their own good. It is a law of human nature that should and must go on; Gandhi is an appeaser, Gandhi has no sense of reality, Gandhi wants only the ruin of the British.

"The question is: Why is Gandhi such a fool? Why are men like Nehru and the leaders of the Congress such fools? Why are Indians such fools as to be misled by them? There is something terribly incomprehensible to many American critics and editors about the Hindus. Gandhi is a fool, because he is fighting for what George Washington was fighting—for his country's freedom and independence from England. Nehru is such a fool because he feels as keenly about the little word 'Liberty' as Washington or Thomas Payne ever felt. The whole Indian nation is feeling exactly as keenly as the thirteen colonies about their country's freedom. Gandhi and Nehru are as stubborn as Washington was and De Valera is to-day. The injustices in India are exactly like the injustices in the American colonies and in Ireland of the past. Now that Americans have liberty, they forget what that little word means when a people have lost it. That is what is so incomprehensible about India.

"That is the terrible force which Gandhi and Nehru have unleashed to-day, which the spirit of Washington, whom both admire, helped to unleash, the great cry of a great people for national freedom during our war for national freedoms. Recently Secretary Hull was urging the nations to fight for liberty and Indians are obeying him. Hull cannot turn round and tell Indians, 'You must not fight for liberty.' We are anxious for the freedom of Greece, Yugoslavia or Occupied France, but we shut our eyes to the greatest single national movement for freedom in the world in India.

"India wants her freedom. Cripps denied it. They want to fight as a free nation alongside the United Nations. The Congress resolution clearly showed that they wanted Allied soldiers to remain in India and help defend their country if they were given the status of a free and equal nation. India is united in demanding freedom immediately. Her splendid leaders, who qualified her for it, are pledged to use that freedom not for a decrease, but an increase, in her share of responsibility to fight the Axis Powers. I warn that India will not give up the fight for liberty until she gets it.

"Against these obvious truths, the refusal to return what we stole from her is based on sectional and national politics. Those who are clever at playing politics will, by their indecision and narrow vision, help defeat of the common war effort. We cannot win this war with nineteenth century psychology and imperialistic politics. The war has gone ahead of us, let us catch up with it."

**Pearl Buck**

This distinguished authoress drew attention to the Japanese weapon of racial propaganda and showed "how race prejudice continued unabated among white people today.....It will be better for us if we acknowledge the danger in the Japanese propaganda. The truth is that the White man in the Far East has too often behaved without wisdom or justice to his fellow man. The most dangerous human stupidity has been that of the White race in the baseless prejudice through which even the meanest White creature has felt he could despise a king if his skin were dark. .....Our coloured allies proceed to war against the Axis not deceived or in ignorance. They know that it may not be the end of this war for them and that the war for freedom may have to go on against the very White men at whose side they are now fighting.

In her latest publication "*American Unity and Asia*" (John Day, New York) Pearl Buck reverts to the Indian problem, and the relations that

exist between the British and the Indian People, and concludes that the old game is up in India and to gain the goodwill of the 400 million Indians for the future, it is better to enable them to use their own ideas and energies in escaping the clutch of the Japanese in the present war."

### Wendell Willkie

Perhaps the most impassioned advocacy of the cause of democracy for India and Asia in recent times, must be laid to the credit of this rival of Roosevelt who having contested the Presidentship only two years previously, joined hands with the successful candidate in prosecuting the war and toured 31,000 miles in 160 hours as a free agent, apart from the specific matters entrusted to him by President Roosevelt and on the conclusion of his tour published a book entitled "*One World*" early in April 1943, half a million copies of which sold forthwith. His observations on India and Asia are lengthy, well-reasoned and definitely assertive—albeit couched in language at once terse and telling.

Wendell Willkie in his book reiterates the question that he was asked from Africa to Alaska,—"What about India?" and recounts that China's wisest man told him: "When the Indian aspirations were put aside to some future date, it was not Great Britain that suffered in public esteem, it was the United States." Willkie adds: "If we believe in the end, we proclaim and want stirring the forces of the Middle East to work with us towards those ends, we must cease trying to perpetuate control by manipulating native forces by playing off one against the other for our own ends." Even more interesting and instructive is Willkie's narration of his experience of British officers. One evening at Alexandria when he sat down to dinner with ten Britons, members of the Naval Diplomatic and Consular services, "men who," Mr. Willkie says, "were experienced and able administrators of the British Empire," he tried to ascertain their views about the future colonial system. "What I got was Rudyard Kipling untainted even with the Liberalism of Cecil Rhodes. These men executing policies made in London had no idea that the world is changing. Most of them had read about the Atlantic Charter. That it might affect their careers or their thinking had never occurred to them." The conclusion he drew from this meeting, says Mr. Willkie, was "only new men and new ideas in the machinery of our relations with the peoples of the East can win victory without which any peace will be only another armistice." Mr. Amery who has suggested that the younger men of the Universities in India must take up the study of a New Indian Constitution and relieve the older generation, may well ponder over this view of Willkie regarding British officers.

Wendell Willkie's broadcast created a stir in the world—and not less so in America. The Republicans welcomed it as a "noble gospel" expressing the hopes and faith of the majority of Americans. They believed it could be of enormous usefulness to the United Nations.

Let it be remembered that all this has been written and published by one who did not cover India within his 31,000 miles because he had no invitation from the Government of India who would not obviously draw a hornet's nest to their ears. This would only accentuate the value of the observations made by this author of the *One World*.

### Henry A. Wallace

In the wise and farsighted speech which Vice-President Wallace delivered about this time in New York at the dinner that closed the Free World Congress held by the Free World Association, the central theme he held in view was

"the People's Revolution" or "the country of the common man." The speech is reported to have awakened in U.S.A. and abroad a new interest and a spontaneous enthusiasm not only for the cause and objectives of the United Nations, but also for the rights of the common man. "The march of freedom of the past 150 years has been a long drawn out people's revolution."

It was not merely high placed dignitaries like Ex-Governors of States and Candidates for the "White House" and Vice-Presidents of the Republic that pleaded the cause of India and the Pacific countries. American Labour gave its humble but helpful support in time. The Annual Convention of the Congress of Industrial Organisations, the powerful labour organisation of U.S. which at Boston passed a resolution unanimously supporting India's demand for Independence. The Resolution states: "The C. I. O. supports the aspirations of the Indian people for National Independence needed to mobilise their energies and resources for their full part in the war against the Axis aggressors." It declared that millions of colonial peoples all over the world await the solution of the Indian problem.

Boston, Chicago, New York and Washington and Mexico and Canada were all astir and agog over the Indian question. While all this commotion was going on in the months of October, November and December, 1942, the anniversary of the Commonwealth of the Philippines gave in November President Roosevelt an occasion to make observations of more than local interest and for the first time, to shed some light on American intentions behind some obscure portions of the Atlantic Charter.

All these assertions and declarations and demands are good in their own way. It is not under any delusion that America will solve India's problem or that President Roosevelt will ever overbear Premier Churchill that these are extensively quoted. They rather indicate the trepidation that lies at the back of the minds of these upholders of equality and liberty for all nations in the world. The same doubt and difficulty is more explicitly brought out in the "Open Letter" addressed by the Editors of *Life*, to the people of England, on the war and peace aims of the United Nations which raised a big controversy in America. This is the text of the letter:

Doubtless it is presumptuous for a single periodical to attempt to speak for the American people. Nevertheless, the Editors of *Life*, in writing you this open letter, make no apology for their presumption. We assure you that we do speak, in this instance, for a large portion of our 134,000,000 fellow citizens.

We are writing you in a crisis in civilisation that mortally concerns us both. No two people on this earth are as close as we, whether in their institutions, or their language, or by ties of blood. It is important for us in a most selfish sense that England stand. We, therefore, take the liberty of addressing you as members of our own family.

We have been dreadfully slow in getting into this war. For years we tried to argue it away. And even now our progress is discouraging. Domestic issues have distracted us and an ill-managed army of Government employees has failed to mobiize our resources of men and machines on a real American scale, However, in this matter we do not feel that we are unique, You yourselves, who live within bomber range of The Maniac, acted just as strangely for years. We do not bring this up to accuse you or to excuse ourselves. We wish merely to set aside as irrelevant and immaterial any argument as to which of us is more responsible for the awful present.

Surely there can be no doubt in the mind of any man or woman in England that, however dilatory our performance, our intention is and always has been to support England in her heroic struggle. In our 1940

elections that issue was virtually removed from our politics when Republican Party leaders backed the Administration's anti-Axis, pro-British policy. Even the radical Lease-Lend proposal in 1941 did not become a party matter. Of course, you are making return contributions under Lease-Lend, yet the net balance runs to our credit by several billions and will run to billions more. Perhaps you believe that we should have cancelled your debt from World War I. Perhaps we should have. But the fact is that the debt was never paid and yet we went ahead with Lease-Lend just the same.

We cite these somewhat disagreeable items, not because we are as fond of money as you like to think, but as evidence of our intention to help you, come what may. But even if this evidence had escaped you, surely the speeches of your own great leader, Winston Churchill, after America entered the war, must have convinced everyone in England that we had joined your team. For Mr. Churchill said, in effect, that while it was true that Hong Kong and Singapore and the East Indies and so forth, had been lost, still he could set over against these the heartening fact that the U. S. had been gained.

We Americans may have some disagreement among ourselves as to what we are fighting for, but *one thing, we are sure we are not fighting for is to hold the British Empire together.* We don't like to put the matter so bluntly, but we don't want you to have any illusions. If your strategists are planning a war to hold the British Empire together, they will sooner or later find themselves strategising all alone.

So here is one concrete concession that we demand of you, as partners in battle. Quit fighting a war to hold the Empire together and join with us and Russia and your other Allies to fight a war to win by whatever strategy is best for all of us. After victory has been won, then the British people can decide what to do about the Empire (for you may be sure we don't want it). But if you cling to the Empire at the expense of a United Nations' victory you will lose the war. Because you will lose us.

At this point you can fairly insist that we should define the kind of war that we want to fight. Briefly there are two wars, one that we actually are fighting, and the other that we must fight in order to win.

The war that we actually are fighting is a war to save America. Nothing else. Everybody here is prepared to fight this war to any extremes, just as everybody in England will go to any extremes to save England. But this kind of war, each trying to save himself, is just a set-up for Hitler. If we are really going to overwhelm the Axis, we must envision and fight for something bigger than either England or the U. S.

We Americans are a strange people, maybe. You think of us as rather practical—the dollar-lovers, the makers of automobiles, the engineers. Well, we are practical. But you can't understand us at all unless you realise how much principles mean to us. We fought you on principles in the first place. Once in our history we killed 500,000 of our own sons to establish the principle of freedom for the black man. And there's no use pretending that America is going all-out in this war unless it becomes clear to us that this is a war to establish certain principles that we believe in, and make them stronger than they were when the war started.

Maybe you will object that we have not defined these principles very well as you. That's a fair objection. But let us remind you that one reason we haven't defined them, and one reason that at least half our people are pretty dubious about their existence, is that we are not convinced that you would fight for them, even if they were defined. For instance, we realise that you

have a difficult problem in India but we don't see that your "solution up to date provides any evidence of principle of any kind. In the light of what you are doing in India, how do you expeet us to talk about "prineiples" and look our soldiers in the eye?

The nearest we can get to explaining what we take for the foundation prineiple of this war is this plain fact, whieh most of us in America have diseovered: that if one wants to be free one cannot be free alone—one must be free with other people. In order to have our own freedom we are learning that others must have freedom. And we—most of us—are prepared to fight this war out on that basis. That is, what we mean—most of us—when we talk about a United Nations' war. We mean that this is a war by free men to establish freedom more firmly, and over a wider area, on this earth. And most of us are beginning to understand that that is the only kind of war that will win a real victory.

And so we say it to you straight, people of England. If you want to keep us on Your Side you must move part way over to Our Side. If you will do so, then you will find that Our Side is plenty big. It always has been big. It is much bigger than the British Raj. It is mueh bigger than the British Empire. It is bigger than both of us combined. You will find Our Side on the steppes of Asia, and across the deserts of Africa, and up and down the muddy banks of the Mississipi, and along the smooth-sliding waters of the Thames. Our Side is as big as all outdoors.

All these are but leaves in the storm or at any rate straws in the wind—valuable as indicating the trend of opinion in America. But the man who helped to form these opinions, by carrying the truth, the whole truth and nothing but the truth to the United States and who rendered incaleulable service to the Indian Movement which was being repressed in India and the news of whieh was being blacked out in America, was Louis Fiseher, author and journalist. Mr. Fischer wrote a series of artieles in the columns of the *Nation* (American) on two subjects which are allied to eaeh other, the failure of the Cripps' Mission and the contemplation of Civil (Mass) Disobedience Movement by the Congress. The former furnished the baekground for the latter and has been dealt with in the chapter dealing with Cripps. The state of the country and of the people after the return of Cripps has also been dealt with earlier, as reviewed by some of the Ameriean writers. But it was Louis Fischer who had spent a week with Gandhi in Sevagram in June 1942, then saw the Viceroy and diseussed the political situation in the light of his talks with Gandhi and formed his own conclusion that described in detail the currents and the cross-currents that lay beneath the surface of the flood tide that was threatening to rise over the rivers and rivulets of Indian Politics. Lord Linlithgow, the Viceroy was the first to admit to Fischer that "Gandhi is the biggest thing in India" and Fischer had spent a week with Gandhi. He noted that General Alexander, Commander of the Burman army in an interview declared that Burma must be reconquered. It is the part of the British Empire. He is battling for Empire. Fischer was told by General Wavell that "of all the opponents of Egyptian Independence, the most determined had been Winston Churchill who was then in the Cabinet and Churchill led the Opposition in the House of Commons against the 1935 Act of India whieh granted some little measure of Self-Government to India." Fischer explains how the Civil Disobedience Movement "raised the whole question of what we are fighting for" and narrates how when in his talk with Gandhi he stated that "we wanted the world to be a better world," Gandhi replied, "I am not sure it will be. I would like to see right now a change in the hearts of England and America. Then I may believe your statement."

Thus Gandhi confronted the two nations with the problem of their moral position in the war. "Gandhi is not pro-Japanese or pro-Axis" says Fischer. "He is pro-British. He is pro-Chinese. He is pro-American. He wants us to win the war. But he does not think we can win it unless we enlist the support of Indians by purifying our war aims." Then Fischer deals with the Anti-British Spirit pervading all India, and quotes a Muslim (Bengali) Air Force Officer who made violent denunciations of the British and added, "we have been slaves so long that many do not mind who their master is." Every Englishman to whom he talked realized that the country was never as anti-British as then. "The problem is not solved by maligning Gandhi, in America or imprisoning him in Poona. There was no Gandhi in Burma."

In view of the unpopularity of the War, Fischer suggested that "the primary task of the British Government in London and New Delhi should have been to court Indian Civilian support. Cripps tried it. But he did not enjoy the collaboration of some key British politicians." Fischer asserted that Gandhi and Nehru and other Congress leaders were ready to make far-reaching concessions and explained how Gandhi was inclined to reduce his demands as was evidenced by his interpreting "Quit India" as permitting Britain and U.S.A. to keep their armed forces in India and use India as a base for Military operations against the Axis. "But the British have closed their hearts and minds. I am convinced that they have decided that Gandhi's influence is waning and this is a golden opportunity to break his power." Having stated this, Louis Fischer asks "But if the British do crush the Gandhi movement, what have they achieved? India will be bitter, sullen and resentful and an easier prey to Japan and Germany. If they crush Gandhi, then one of our biggest successes in this war for democracy and freedom will be the smashing of a great world-known movement for democracy and freedom." Fischer learnt from British Officials in India that they did not believe Indian co-operation would be of much avail in case of Invasion. "That may explain" says he, "to strike at Gandhi when they should be preparing to strike at foreign enemy. But they have made too many mistakes recently in handling Military and Civilian problems in the East for us to trust their judgment." Fischer concludes his first article by repeating that Gandhi is not at all vindictive, and quoting Nehru as saying at a meeting, "I would fight Japan sword in hand." But the British, he opines, to alter their course, require a potent prod from the outside and points to the U.S.A. as the only force that could make such a move. "India is an acid test of the sincerity of America's purpose in fighting the war."

Louis Fischer in his second article reverts to the question of Gandhi's reasonableness and states how when he (Fischer) questioned him what he (Gandhi) would do if China and Russia appealed to him not to start the campaign, Gandhi answered; "Let them appeal to me. I might be dissuaded. If you have any access to men in authority, you should tell them this." "Have I your sanction to say this to the Viceroy?" asked Fischer. "Yes" replied Gandhi. "You have my permission to say this to the Viceroy. Let them talk to me and I may be converted." Fischer met the Viceroy and did tell him that Gandhi was in a conciliatory mood and not at all intransigent and even sketched the possible outlines of a settlement basing his statements on Gandhi's own words. "I intimated to the Viceroy, it would be helpful if he would discuss these matters with a Congress Leader," adds Fischer. "The Viceroy, however, regarded such discussion as a question of high policy which would have to be decided on its merits." "Tell your president that I wish to be dissusaded" were Gandhi's words uttered to Fischer when he handed a letter to President Roosevelt. Fischer concludes by saying that

"Gandhi never wanted riots and disorders. He warned against them. The imprisonment of Gandhi and Nehru and the other Indian leaders and Civil Disobedience campaign will not make Indians more pro-British or more pro-war. Somebody must act informally, courageously and quickly. The only such somebody is President Roosevelt. He must simply bring the British Government to a point when it will talk to Gandhi. Gandhi could talk in person. He doesn't mind. He has done it before. He is very religious and he forgives."

In the third of this series of contributions Louis Fischer makes an astounding revelation regarding obviously the Tata works in Jamshedpur and has some straight propositions.

III

In the third week of August, Indian workingmen demanded the release of Gandhi and went on strike at the Tata Munitions works which embrace the biggest steel mill in the British Empire. This has not been reported by the Press anywhere. Riots and sabotage throughout India are on a much large scale than the British Government in India had anticipated, the semi-official daily *Statesman* of New Delhi admits.

The Civil Disobedience Movement, Indian Nationalist circles in India, believe, is only starting.....

Mahomed Ali Jinnah, President of the Muslim League told me recently in Bombay that if the Indian National Congress launched a Civil Disobedience Movement, there would be violent clashes between Hindus and Muslims. No such events have been reported. The fact is that almost all Indians desire their country's independence and no Indian party or leader dares to interfere with an attempt to bring it about. Congress leaders in India declare that many Sikh Communalists and Muslims are supporting the Civil Disobedience Movement.

The British inside and outside India are adamant in their refusal to negotiate with the Indian National Movement. They want to crush the Civil Disobedience campaign. They say any readiness on their part to conciliate India would still further undermine British prestige already so seriously weakened by the Military reverses in Hongkong, Malaya, Singapore and Burma. But will it not be much worse for the British to have to climb down a month or six weeks from now, in case the disorders grow?

The British close their minds to this gloomy eventuality and plead for time to suppress the Indian trouble.

Supposing shootings and whippings cow the Indian People for another interval of uneasy quiet. What the United Nations need is the active support of Indian population.

They could get it. Throughout India the word heard most often used to describe Indian sentiment at the present juncture is "frustration". I heard it from Congress leaders, Indian Industrialists, from teachers, students and soldiers. Frustration results from a difference between one's desire to act and one's ability to act.

The Indians would like to defend their country. But they cannot do so as partners of their British masters. The Cripps negotiations are revealed by official statements to have been a struggle between Indians demanding greater participation in India's Defence and Cripps who opposed it. If Indians were free to fight this war, there would be an end to frustration and an upsurge of joy and an outburst of energy which would be assets to the United Nations.

Americans intuitively respond in favour of the freedom of colonial nations. But the fear that Indian behaviour may prejudice the conduct of the war has somewhat adulterated the natural reaction of Americans to India's struggle for release from Imperial domination. At present the former instincts are gaining the upper hand again, especially since many persons in this country feel, that the British should not have rejected Gandhi's request for conciliatory talks.

The mail of Senators and Representatives in Washington is heavy with complaints about British intransigence in India. The danger is that the Indian issue will be exploited by professional Anglo-appeasers in pro-war clothes and American friends of the Axis. This must be prevented.

I criticise England's attitude in India because I am a friend of England and hope it will be saved from its own stupidity. There can be no objection to private expressions of American opinion about India but any resolution in the Senate or House of Representatives would probably irritate the British Government without advancing the cause of India. If there is to be American official intervention, it must be discreet and informal.

For the moment, however, the U.S. Government is deferring to British obstinacy and refraining from extending its good offices to adjust the Indian quarrel. Such delicate handling of a delicate situation is diplomatic and polite. It may prolong the war several years and lead us into disaster. It should be possible to give a friend a strong scolding without endangering the friendship.

The British know that Washington would like to do something but is not sure that Anglo-American relations could bear the strain.

> "India is in fact our business and the administration is worried about India. But we hold our hand out of consideration for Britain's Imperial sensibilities. This is an unhealthy state of affairs which should cause concern to London. The British think of India in terms of the maintenance of their "face" and authority. They contend, of course, that to maintain their authority in India by crushing the current of Civil Disobedience Movement, is to consolidate the defence of India. I think the reverse is the case."

Louis Fischer continued to serve India in America on to the year 1943 and delivered a lecture in San Fransisco on February 23 (1943) *i.e.* during the critical period of Gandhi's fast. In it he clears all possible misunderstandings regarding India by reciting once again the valuable information he had at his disposal in his visit to India in July 1942. He considers the key problem in India is hardly mentioned, it is economic and concerns millions of people who increase by 5 million every year, while only one million people are being absorbed into gainful employment every year. The increase in production of food and clothing is not commensurate with that of the population. The peasants are not inclined to answer question but emphasise that they are hungry. The surrounding air of discontent, misery and frustration confront the visitor. The Viceroy himself admitted to Fischer that "India was never as anti-British as it is today."

Louis Fischer described how Lady Linlithgow asked him at a party, whether if India was given self-Government she could govern herself.

People everywhere long for a life of dignity and freedom, as once they did in the U.S.A. and the billion persons inhabiting India and China out of the world's two billion are insisting on such a life. Gandhi is India's symbol of the unanimous wish for such freedom. He lives for this one idea, is made of this one piece, the liberation of India.

The Viceroy admitted further to Fischer that the British army in India is an army of occupation. Would not the U.S.A. under such conditions

seize any weapon to fight the foreign invaders? Gandhi is a true Christian. His influence is not waning. His fast has shaken India which believes in sacrifice and renunciation. Of the three members who resigned their places in the Viceroy's Executive Council out of the ten Indians, over the question of Gandhi's release during the fast, Sir H. P. Mody is a Parsi millionaire who felt he could not cooperate with the British. How much more may not the hundreds of millions "who have abhorred the British and refuse to touch the British." The repercussions of Gandhi's fast will shake Asia. Fischer saw Gandhi in June 1942. Gandhi was only asking for a conciliatory agreement. He has publicly whittled down his demands. He begged twice to see the Viceroy that summer but the Viceroy refused. (If this was the information that Fischer had in June then it is evident that Gandhi had asked to see the Viceroy even before the Working Committee met in July and passed its final resolution which was later approved by the A. I. C. C. at Bombay.) The reason for the Viceroy's attitude is simple. Fischer says: "Winston Churchill said when he was fifty-five and he has not changed since then 'The truth is that Gandhism and all that it stands for will sooner or later have to be grappled with and finally crushed." And this is Churchill's first opportunity in high office to grapple with Gandhi. The British have definitely decided to break Gandhi, to try to break the Indian movement for freedom.

Fischer informs us that Chiang Kai-Shek has warned Churchill and Roosevelt that this attempt to suppress a great movement for freedom in the midst of great war for freedom may drive all of Asia into the arms of Axis.

Fischer reads aright Gandhi's character when he says that Gandhi says everything he thinks and illustrates the same by reciting the origin of his Monday fast as consisting in his desire to seek relief from the thousands of people going to him to ask questions, make pleas and beg that "I pray with them and I used to get tried." He also recited how Gandhi said to him, "I would go to Japan and sign a treaty of peace with the Japanese" and immediately added, "I know that the British would never let me go to Japan and I know that if ever I got to Japan, the Japanese wouldn't sign a treaty of peace with me," Then why talk about it. Chiang Kai-Shek is the one man whose word Fischer would take, as to who is Pro-or Anti-Japanese. "He is pro-Gandhi and pro-Indian Independence and he has intervened (as I told you) in recent months repeatedly with a view to the moderation of British policy in India."

Then Fischer proceeds to describe the genesis of "Quit India". It was only when after the defeats in Malaya, Singapore, Hong Kong and Burma, coming as they did on the top of "India's eternal misery and mounting bitterness and resentment" Indians lost confidence in British ability to defend India that after a healthy prod from President Roosevelt, Cripps was rushed to India to repair the damage and Cripps failed. Fischer explains how Churchill had to take him into the War Cabinet to allay public feeling roused by the fall of Singapore and the escape of the two German rocket battleships, under the nose of the R.A.F. and how after Rommel's defeat in Egypt and "after we landed in North Africa" he was dismissed from the Cabinet. In that perspective it becomes clear that Cripps' Mission to India was only part of the destruction of Cripps. And intuitively and spontaneously Gandhi expressed his reaction to this deterioration of the Indian situation and said: "I am sick of this." The British must go." Then he corrected himself and modified his words into "The British and Americans can stay in India, reinforce their armed services and use India as a base for military operations against the axis powers." All that Gandhi or the Congress asked for is an "Indian National Government which would not interfere with mili-

tary operations but which would immediately sign a treaty of alliance with the United Nations to help to win the war." These are Gandhi's own words said Fischer.

Then comes the Atlantic Charter and Churchill's answer "No Sir" in the Commons to a question whether Article III thereof would apply to India. Fischer heard the answer from the visitors' gallery and he adds that nothing said by Halifax or Herbert Morrison, by Smuts or Cripps has served to mitigate or diminish the validity of these two words "No Sir." On the contrary, Churchill reinforced them on November 10, 1942 in the Mansion House Speech when he said that England will hold her own and that he did not become the King's first minister to preside over the liquidation of the British Empire.

Fischer then adverts to war aims and says this is not a war about a map but about ourselves. This is a social war about the fundamentals of thé life that we live. We defeated the Kaiser. We got a Hitler and on defeating Hitler, can get a worse Hitler.

With these controversies, the year 1942 closed and early in 1943, there was celebrated in several cities of U.S.A. the Indian Independence Day on January 26th inauguarated in 1929 by the Indian National Congress. A day like this, celebrated once a year and in a distant land by youths whose emotions receive extra quickening on the occasion of such anniversaries, is apt to be marked by demonstrations and even incidents and these occurred both in New York and Washington.

There were a few professors too who brought an independent and unbiassed judgment to bear upon their study of the Indian problem and to make our study of America's reaction to the Indian Movement a couple of opinions would not be out of place. "India is the acid test of our fitness to survive" says Mr. Frederick Suman the Woodrow Wilson professor under the caption "To Save India" in the magazine "*The Time.*" A second professor who directed his thoughts to the Indian problem in the spring of 1943 was Professor Ralph Barton Perry of Harvard University and Chairman of the Harvard Defence Group, who addressed to Sumner Welles, the Permanent Assistant Secretary of State of U.S. A. his criticism about the failure of the United States State Department to interfere in the Indian deadlock to which Mr. Sumner Welles replied promptly. The latter's letter is on the face of it a reply to the charge made by Professor Ralph Barton Perry "that the American Government policy has been based not on military expediency but on settled reactionary sentiments. Professor Perry challenged the Department concerned to state "its real attitude". Mr. Sumner Welles accepted the challenge and said: "This is a tremendously complicated and delicate problem. The people of India have been most solemnly assured that as soon as necessities of war permit, they will be given the opportunity to choose freely the form of Government they desire."

In cabling Sumner Welles' statement on India in reply to the observations of Prof. Ralph Barton Perry, one sentence was omitted in *Reuter's* despatch on which 3 out of the 4 morning papers of New Delhi had to rely but the *Hindustan Times* had its own correspondent in New York who cabled: "The U. S. A. Government is of course anxious to give full assistance to its solution, *i.e.* India's complex constitutional status." In his rejoinder, Prof. Perry has virtually given away his case and criticism and lisps his words of assent to the prevailing course adopted by Britain and U.S.A. While admitting that there are many shades of opinion in the U.S.A. regarding the Indian situation, he says that there are certain points on which there is a very general agreement in which the State Department, as Mr. Welles ad-

mitted, shares. The first is India's right to complete political independence under a constitution which ensures her peace and internal development in accordance with her own needs and aspirations a right, with which U.S.A. sympathises for her own National existence arose for such a struggle. Secondly, the Constitution of India should be decided by herself as in the case of U.S.A. in 1789. Thirdly the threat to such independence emanates from the Axis powers. Fourthly, the withdrawal of the British would imperil the victory over the Axis and fifthly if only the Indians are not in a hurry, the people of U.S.A. feel that they are partners with the people of India in seeking freedom for themselves and a system of freedom for all the world."

A third professor who is fortunately free from the nervousness of his contemporary of Harvard, is Professor Walter Phelpo Hall of Princeton University who in an article in "*Current History*," asserted that not Britain alone but all the members of the United Nations have a stake in what takes place in India. "In their name," he suggests, "on the one part that Britain should recall the Viceroy, re-enter into negotiations with the Congress Party, request the aid of a Mediation Board with American and Chinese members, and on the other, ask India to rescind her campaign of Non-Co-operation, accept for the duration of the War the findings of the aforesaid Mediation Board and co-operate in every way—Civil and Military, in the effort to drive the Japanese out of Burma and China." He contends that "the Indians are daily becoming more anti-British which does not mean pro-Japanese. They are losing such little confidence as they had in Britain's good faith. A lukewarm India hinders the war effort. Suspicion, however, is mutual. But "it does not help to impugn the good faith of Gandhi by the assumption that he is disposed to accept Japanese advances as does a recent cartoon in *Punch*. Nothing is easier than to throw suspicion on the good faith of Cripps and Gandhi and nothing much is to be gained thereby. Churchill and Amery say that there will be no more negotiations. To do so would hurt their pride, but in both war and peace, he who refuses to take a chance is lost. India very likely is lost to the British Empire after the war. No matter what course that conflict takes. Too much water has gone under the bridge for holding India or the Empire. Despite what Churchill and Amery say, one does not feel all negotiations are for ever impossible. Both of them are Imperialists by long training and conviction. After all it is in the blood of British Tories to yield when they must.

' Amery's speech on October 8 is very similar in tone to speeches delivered in the Commons during 1774-75-76. No further negotiations. One does wish that both of them would read Edmund Burke on " Conciliation with America." .....It is Britain that now refuses to negotiate, not the Indian Congress."

Finally we come to President Roosevelt's personal envoy to India who had spent about over four months in touring the different parts of the country except Bengal and Assam and Orissa, interviewing all and sundry and studying the cultural, and religious institutions of India as well as her political and socio-economic conditions. He has, throughout, maintained a studied silence and an attitude of judicial detachment and his movements in India from December 1942 to end of April 1943 when he was called away by his chief to report, became at first, events of profound interest, later, of supreme indifference and finally of marked sympathy because of the want of courtesy with which the special envoy of President Roosevelt was treated by the Premier Churchill and his agents in India. It may be noted that the American

Mission was established in New Delhi in November 1941 by Mr. Thomas M. Wilson and Mr. Philips was sent to take charge of it in December 1942.

Mr. Phillips saw the Secretary and later the President of the Muslim League, a few Hindu Maha Sabha men, some notable public characters who had no direct connection or no connection at all with the Indian National Congress,—a few who broke away from it and openly acted against its programme, some Liberal leaders,—straggling representatives of a byegone cult, a few non-party leaders, who stand isolated in Indian politics, representatives of Sikhs, Harijans and Indian Christians. For a country of the size of India, these parties are all too few. Yet with one voice, they would doubtless have all expressed their one object—indeed their common object of attaining Indian independence as early as possible. The one organization,—" the largest, the best financed and the most widely organized " (to quote the words of Mr. Amery) institution, namely, the Indian National Congress was behind the prison bars and it was fondly hoped by people outside that Mr. Philips would find his way to some of them, at any rate to Gandhi. When it was reported in the first week of April, '43, he was being called away to U.S.A. Drew Pearson's column " Washington Merry Go Round " declared that " Ambassador Philips' forthcoming report on the vital but ticklish question of India's future after an extensive tour of the country will be " Tea Table " views only." The writer proved to be partly right and partly wrong. He was wrong in that he expected rather too optimistically that America's ambassador could see any one in India if he really tried. Nor even Mr. Churchill listened to the request that Mr. Philips be permitted to see the leaders. It was when the situation was ever so tense and intriguing that Philips burst his bombshell on an expectant world. Mr. Philips had gone to Dehra Dun to spend a few days with the Viceroy. On the same day and from the same place, which was the headquarters of the Government of India, came the report of Mr. Philips' farewell chat with the Press representatives in which he made a clean breast of what had happened. In reply to a question he said : " I should like to have met and talked with Mr. Gandhi. I requested the appropriate authorities for permission to do so and was informed that they were unable to grant the necessary facilities."

Except the *Washington Post* which was apologetic of the Government of India's attitude, the American Press in New York, Chicago and even Washington condemned in one voice such an attitude. By way of example may be quoted an extract from the *Evening Star* of Washington which writes " It is extremely difficult to understand the reasoning behind the refusal of the British authorities in India to grant the request of Mr. William Philips, the personal representative of President Roosevelt, for an interview with Mr. Gandhi and Pandit Jawaharlal Nehru, imprisoned Nationalist leaders.....key figures in the controversy between the British and Nationalist Indians."

Mr. Philips' was a diplomat indeed. He was cautious to a degree in his interviews which were, doubtless, marked by his suavity of manners, but in which he was firm as a rock in not being moved to giving an inkling into his thoughts on the Indian problem. Only once did he slacken his cautious wits. He called a halt to his intended tour at the outset of Gandhi's fast (February 10th) and in the course of it which ended on March 3rd, he was interviewed on the situation created by the fast and happened to say in reply that " the phases of the situation in India requiring discussion are being handled by high Government officials of the United States and Great Britain." The impression created was that Mr. Cordell Hull, Secretary of the State Department, U.S.A. and perhaps Lord Halifax, British Ambassador in U.S.A.,

were the personages meant. The former on being interviewed was reported as having stated that he did not know the exact significance of Mr. Philips' statement. What Mr. Hull actually said was that he did not know what the statement signified more than what appeared on the face of it. Apparently it was the other pair that were handling the phases,—namely Mr. Philips and Mr. Roosevelt. If that was not so Mr. Cordell Hull was equivocating.

Before we conclude, we must acknowledge the readiness, the liberalism and the impartiality with which the American Press and public dealt with the Indian question during a great crisis. Professor E. Ross of the University of Winsconsin " makes a deadly, damning count against the Daily Newspaper in America. It does not give the news," he says " and this apostasy is due to three economic developments—the capitalistic owner instead of editor-owner, advertisers coming and the paper becoming an organ of special interest. Yet the suggestions in U.S.A. for the settlement of the Indian problem wired out from London so early as on August 12th (1942) namely the proclamation of a nominal Commonwealth with Provisional Government of all Parties, with the reservation of full control of War by Britain, was sustainedly upheld and pursued by the American Press.

### The American Congress

Mr. Philips' visit to India, his lightning tour, his interviews with non-Congress politicians and failure to meet Congress leaders—all constitute but an episode in this vast world drama in which America is but one of the scenes or at best she may cover an Act by herself. The Congress in U.S.A. was striving to do its best to avoid the pitfalls that had faced President Wilson after Versailles for then the Senate declined to endorse the Treaty that ended World War No. I. America grew wiser and the Congress wanted obviously to commit itself beforehand to the principles, notably of the Atlantic Charter, which was the joint creation of Premier Churchill and President Roosevelt lest, when Peace should be concluded, the Congress might say it knew not what this Atlantic Charter was. Senator Guy M. Gillette, Democrat, of Iowa, a member of the Senate Foreign Relations Committee, introduced a resolution which would put the Senate on record as approving the basic principles of the Atlantic Charter and advising President Roosevelt to negotiate immediately a "post-war peace charter" with other United Nations.

Under the caption " Mission to the Raj " *Time* (26-4-43) writes :—

> " A tall bony-cheeked Boston brahmin arrived in India on January 8 (43). He had been entrusted by President Roosevelt with one of the most delicate, diplomatic missions of the war. Always correct, hitherto adequate, William Philips had been the last U. S. Ambassador to Italy. In India, he was still called Ambassador. But at the first Press Conference, he parried with a diplomatic laughter the question that all Indian Nationalists were asking, " Are you an Ambassador to H. M.'s Government, to the Government of India or to the people of India?". Mr. Philips credentially stated correctly that he was ambassador to the Government of India. Last week, the full nature of his mission still wrapped in a dhoti of mystery, Ambassador Philips announced that he was flying back to the U. S. He had acted with dignity. He had worked hard. He had received and sought out many Indians of many political faiths. In public he had kept his motuh shut. He had pleased the British. not displeased the Indians.
>
> " I am unable to report to anyone except to my Government." said Mr. Philips in his valedictory Press Conference.

At a time when it was sought to be made out that America was not interested in India, the views of one like Miss Margaret Fry, Ex-Governor of the B.B.C. might aptly be quoted to disprove the mis-statement and to prove the American resentment at Philips not being allowed to see Gandhi. On her return to London from a visit to U.S.A. Miss Fry said :—" India is the one subject on which there is antagonistic criticism of Britain among the ordinary people." It is mostly ill-informed but she said it would be unwise to ignore it on that account. " I visited all parts of the country and everywhere the subject of India kept cropping up. Often the manner of our dealing with India took no account of public opinion in America and although there may be very good reasons for refusal to allow Mr. Philips to see the Congress detainees, the reaction in America would inevitably be unfortunate."

## Pacific affairs

The Atlantic and the Pacific are the two great arms of Giant man striding across the mighty earth. If Europe borders the Atlantic, Asia borders the Pacific and America both. Churchill may be satisfied with an Atlantic Charter but India and other Asiatic nations would demand a Pacific Charter as well while the two segments of America are interested in both the charters. In India advantage was taken of this wide interest by quickening into activity "The Indian Institute of International Affairs" and sending a delegation to the Pan-Pacific Conference that met in winter in America. The Conference concluded its deliberations on the 14th December, 1942 and advantage was taken of the presence of the six stalwart delegates in the New World, to constitute them into a strong team of lecturers on different aspects of the Indian problem,—Muslims, Scheduled Castes, Christians and Princes.

The agenda for the Pan-Pacific Conference was not sent to the Indian Institute of International Affairs, but problems relating to the post-war economic and political reconstruction in the countries bordering the Pacific but including India, figured prominently. Instructions to the Indian delegation suggested discussion on the pros and cons of Pakistan. Mr. Meherchand Khanna representing the Hindu Mahasabha's point of view opposing division of India, Muslim delegates insisting upon the principle of self-determination for Muslims and Mr. N. Sivaraj raising the question where sixty million untouchables come in between the uncompromising demand of the Muslim League on the one hand and the Congress on the other. Later the Jam Saheb of Nawanagar, assisted by Sirdar K. M. Pannikkar, toured the United States to present the views of the Princess. Sir T. E. Gregory accompanying Economic Adviser to the Government of India Sir Ramaswami Mudaliar, Member, Viceroy's Executive Council, while the non-official European point of view was expounded by Mr. P. J. Griffiths who was deputed to America. It was expected, these different speakers would cover comprehensively all possible aspects of Indian problem. Some were already lecturing before the commencement of the conference while the others toured after the conference. Apparently Government thought that America had heard far too much about the Congress view and pictures of recent events, which had appeared in several papers did much, according to official reports, to give " a misleading impression " of the Indian situation and this was to be remedied by the several delegates that were appointed obviously by the Government of India on the recommendation of Sir A. Ramaswami Mudaliar, the president of the Institute. Severe criticism was raised in India by Pandit Hridayanath Kunzru and others that the selection of names of delegates was not done with due publicity and having regard to

the equities of the situation. But the Government of India is not a democratic body, much less are the quasi official Institutions under their patronage.

On their return to India, only two delegates made notable pronouncements. Sir Zafrullah who was the earliest to return and Mr. Meherchand Khanna who was the latest to arrive in India gave diametrically opposite accounts on certain aspects of the problem, as will be apparent from the following interviews. Sir Mohammad Zafrullah Khan giving impressions of his tour in a press interview said that "American interest in the Indian problem is extremely keen and the Americans are deeply sympathetic towards Indian aspirations but their knowledge of the factors of the Indian situation is neither deep nor very accurate." Mr. M. C. Khanna said in a talk to Pressmen that one thing talked about in America is that "the Congress is dead; in any case, Muslims are not in it but are co-operating with the war effort; there is no room for fear, because 90 per cent of the army consists of Muslims, Rajputs, Gurkhas and Maharattas. All these are in the American mind, lumped together as Muslims."

What transpired at the Pacific Conference has not been for three months officially communicated to the country so vitally concerned with it. Considerable discussion, however, on the Atlantic Charter seems to have taken place. But the Institute of Pacific Relations has published a report entitled "War and Peace in the Pacific" dealing with such problems as what to do with Japan after victory, future of India and position of China, etc.

The report shows that the Institute's Far Eastern diplomats and experts discussed at length the relations of India with Britain, particularly a plan for solution proposed by one Indian delegate. The main points of the plan are: (1) Appointment of Indians to the three key portfolios in the Viceroy's Executive Council, namely of Finance, Home Affairs, and War Transport, retaining the veto power of the Viceroy. (2) Creation of an exploratory commission, including Indian leaders of various viewpoints, to study the new constitution considered necessary for the fulfilment of the Cripps proposals. (3) Organisation of a United Nations' Advisory Committee to assist the Commission. (4) The Commission to evolve the nature of the Constituent Assembly which would be responsible for drafting the constitution. The report says: "By the end of the third session, the Indian members' plan which was first received with some doubt by American members was regarded by many as promising and likely to be of practical value. It also became evident that earlier ideas of a direct and formal intervention or mediation by third parties on the initiative of the United States or United Nations, were impracticable in the present situation. Direct intervention might even be dangerous in that it might drive the minorities, especially, the Muslims, to take even more intransigent position regarding prior assurances for their protection. The new plan means making a start and re-establishing the habit of co-operative discussion."

As time advanced, interest in India waxed not waned in America and the American Round Table which is a new national organization on India formed in 1942 in the U.S.A. put in a plea on October 29, 1943 to President Roosevelt to attempt to bring about conciliation between the British and India. It is headed by Mr. Shipler the Editor of the *Churchman*. Its formation was heralded by an influentially signed statement in the following terms:—

> "The people of the U.S.A. view the situation in India with great alarm because it threatens the victory of the United Nations. With the increasing number of our troops and the vast quantities of our supplies in India, we have been offered and accepted a large share of her defence

which may involve the fate of China, her continued ability to participate in the War. Failure to use the full might of India's 400 million people in an all-out war effort against the Axis would be paid for by the lives of the Americans and of our Allies.

"We are in full accord with the people of India in their legitimate aspirations for self-government. We, therefore, urge that Presisdent Roosevelt tender his good offices in co-operation with other members of the United Nations to obtain full participation of the Indian people in the war and assure their political freedom."

**China**

One tangible and immediate effect of the Great World War No. II is that India and China have been brought near to each other. The visit of Jawaharlal Nehru to Chungking in September, 1938 and the visit of Marshall and Madame Chiang Kai-Shek to India in 1942 helped to reunite alike in culture and aspiration, the two great Asiatic Nations of the world which in ancient days had a constant intercourse of culture as well as commerce and whose populations cover between them a thousand million or nearly one half of the world's population. It will be remembered that Gandhi intended writing to President Roosevelt as well as Marshall Chiang Kai-Shek before he inaugurated his great movement under the August Resolution of Bombay. Indeed he had already sent one letter to him, different portions of which were published by Louis Fischer in the *Nation* (October 1942) and by *Reuter* in India. The two as put together are given below :—

"Because of the feeling I have towards China and my earnest desire that our two great countries should come closer to one another and co-operate to their mutual advantage, I am anxious to explain to you that my appeal to the British Power to withdraw from India is not meant in any shape or form to weaken India's defence against the Japanese or embarrass you in your struggle. I would not be guilty of purchasing the freedom of my country at the cost of your country's freedom.

"That problem does not arise before me as I am clear that India cannot gain her freedom this way, and a Japanese Domination of either India or China would be equally injurious to world peace. That domination must therefore be prevented and I should like India to play her natural and rightful role in this. I feel that India cannot do this while she is in bondage.

"Whatever action I may recommend will be governed by the consideration that it should not injure China or encourage Japanese aggression in India or China."

After such lucid exposition of India's case, by Gandhi it is difficult to appreciate Madame Chiang Kai-Shek's observation in New York in April 1943 that Gandhi's thinking was cloudy.

That the Indians and the Congress themselves were keenly alive to the bearing of the settlement of the Indian question on the fate of China is borne out by a message given by Jawaharlal Nehru in his own hand-writing to a young Chinese journalist on the eve of his arrest which runs as follows :—

To the Chinese people I repeat that we shall keep faith with them whatever happens. We shall do so not only because China's freedom is very precious to us but also because with it is entertwined the freedom of India. With China unfree our own freedom will be endangered and worth little purchase whatever we do now, constrained by circumstances is aimed at the achievement of India's independence so that we may fight with all our strength and will against the aggressor in India and China. Free India can do so

effectively, not so subject India with all her great strength chained up. So in this time of danger and peril we renew our faith to China. We believe that this great war is a mighty revolution which will only succeed on the basis of freedom for all peoples. Without Indian freedom now, it will fail of its purpose and lead us all into blind and dangerous alleys. This is the reason why India's freedom becomes an urgent and immediate necessity and cannot be postponed to the hereafter. The very peril that surronnds us calls for it.

To the people of China and their great leaders, Generalissimo and Madame Chiang Kai-Shek, I send greeting and pay homage to the heroism which has shone like a bright star during these past five years of war and infinite suffering."

Bombay, August 8, 1942 JAWAHARLAL NEHRU

*The Chinese supported the Indian casue.* The Chinese were supremely worried by England's attitude. India is the only channel through which Anglo-American supplies could reach China. Moreover knowing the East, the Chinese understood how disastrous the suppression of the great Asiatic Independence Movement would be to the morale of the Anti-Axis mediation by the United Nations.

It is interesting to observe how various nations reacted to the Indian crisis. The Chinese, as Asiatics, who have themselves fought to throw off foreign yokes, could easily put themselves in the skin of Indians; their sympathy with Indian Independence and with Indians in their present predicament is complete.

But it can be readily understood that on her part China could not do aught for India beyond expressing sympathy with India in her position. A message was received from Chungking dated August 12, just three days after the arrest of Gandhi which says :—

> "The news of Mr. Gandhi's arrest and of the disturbances and bloodshed in India have been received here with great sorrow..... The spirit behind the present war is resistance against aggression in the struggle for freedom without which the present war is meaningless. India's struggle for freedom is identical with the war aims of the United Nations and we have no reason not to be sympathetic."

**South Africa** :—The reader's attention is for a moment diverted from America and China to South Africa where Gandhi had made his First Experiments with Truth and Non-violence, only to extend them on a phenomenal scale in India to solve the larger problems of nationalism and cosmo-nationality. The British are far too intelligent and well experienced to allow the world to take literally the charges they have laid at Gandhi's door, saying that he is pro-Japanese and a fifth-columnist for a repudiation of such baseless charges emanated best from a philosopher-statesman with whom Gandhi had his first combat in South Africa and who is a foe worthy of Gandhi's steel in every way.

Answering Indian pressmen, at a Press conference in London, General Smuts said :

> "It is sheer nonsense to talk of Gandhi as a 'Fifth-Columnist'. He is a great man. He is one of the great men of the world and he is the last person to be placed in that category. He is dominated by high spiritual ideals and holds views that I have just expressed about the human family. Whether those ideals are always practicable in our difficult world may be questioned, but that Mr. Gandhi is a great patriot. a great man and a great spiritual leader who can doubt ? "

This chapter has been planned to describe the reaction of great nations like America, China and Russia to the movement contemplated in India as the final struggle for her Independence. America has done ample justice to this ancient land, a short of intervening in her affairs and employing her good office with Britain to secure justice for India. China in the midst of her long struggle has viewed the Indian problem from India's as well as from her own standpoint. Russia was far too engrossed in a fight for her very existence that it was no surprise if she had not referred to the Indian movement explicitly in the earlier part of India's struggle. But Stalin has made a notable speech, the essence of which is worth reproducing ; and equally exalted is the idealism of President Roosevelt embodied in his speech dated April 14th (1943) on the occasion of dedicating the Jafferson Shrine at Washington : He (Roosevelt) drew an analogy between the spirit of Jafferson before the trials of his day and the spirit needed today in the face of similar troubles of the moment. Jafferson "faced the fact that men who will not fight for liberty can lose it. We too have faced the fact. He loved peace ; he loved liberty—yet on more than one occasion he was forced to choose between them....."

On the 25th Anniversary Day of the Red Army, (1943) M. Stalin said in the clearest statement of Allied War Aims yet made :

> " The programme of action of the Anglo-Soviet-American coalition is abolition of racial exclusiveness, equality of nations and integrity of their territories, liberation of enslaved nations and restoration of their sovereign rights, the right of every nation to arrange its affairs as it wishes, economic aid to nations which have suffered, and assistance to them in attaining their material welfare, restoration of democratic liberties and the destruction of the Hitlerite regime."

If one recalls the vagueness and the restricted scope of the eight-point charter lying to the credit of Churchill and Roosevelt, this seven-point charter issued by Stalin, cannot but strike one as being no less clear and unambiguous than it is Catholic and comprehensive in its appeal. In particular if the first clause should be accepted by Britain, there could not be the anti-Indian Legislation in South Africa which was passed in April 1943 in the teeth of universal opposition and in defiance of the pious exhortations of the Government of India.

## CHAPTER XVI

### Reaction in Britain

While the Government of India opened its "blitz" on the Congressmen and Congress organization but in effect repressed the Press and public life in the country, Mr. Amery, the Secretary of State in London, lost no time in giving two broadcast talks, one on the 9th August, 1942 to the Home and African Services and the second on the 10th *idem* to America.

Mr. Amery referred in the first broadcast to Sir Stafford Cripps' Mission and stated that the negotiations for participation in responsible positions in the task of governing India and carrying on her war-effort broke down mainly owing to the intransigent " All or Nothing " attitude of the Congress leaders. The rejection of the British proposals, he added, profoundly disappointed public opinion in India and has seriously shaken the credit of Congress leadership. The truth of this observation will become obvious as we study the history of the succeeding three years and the final conclusion of this episode of the arrest of the Working Committee. Mr. Amery gloated over the fact that they had disconnected Mr. Gandhi and his confederates, cutting the fuse leading from arch-sabotagers to all the inflammable and explosive material which they hoped to set alight all over India. He derived strength and solace from the fact that eleven of the fifteen members of the Government of India, who took the decision regarding the arrest were Indians, who are " supported in this issue by a vast majority of sober, responsible men and women in India." He repeated the same sentiments in his American broadcast.

In British reaction to events in India there is noticeable a distinct cleavage not only among public men and between official and non-official groups but also in the British Press. The London *Times* had throughout adopted in the earlier part of the period an attitude altogether unusual in its traditions of cent per cent loyalty to the party in power,—an attitude of earnest search after truth and an impartial estimate of the rights and wrongs of the case before it. It did not agree any more than the *Manchester Guardian* in the totalitarian policy of all-out repression adopted by the Government of the day and rather preferred the age-long dual policy of repression and reconstruction. Its reaction to Mr. Amery's broadcasts was only typical of this new attitude to the Indian problem which the Daily took everytime some event in Parliament or in India called forth its views. On this occasion it took the view that "Repression unaccompanied by any constructive policy is likely to prove as vain and ineffective in war as in peace and far more dangerous."

Two months before the arrests, the *New Statesmen and the Nation*, under the caption " Realism from Gandhi" (27-6-42) :—"Mr. Gandhi's latest statement in *Harijan* shows that his conversations with Pandit Nehru and Dr. Azad have moved him to a much greater degree of realism. After asking for recognition of India's right to be rid of Britain's authority, he continues :—

> " But I would recognize their own military necessity. They may need to remain in India to prevent a Japanese occupation. That prevention is common cause between them and us. It may be necessary also for China."

" In a phrase, he would tolerate and not interfere with Britain's efforts to defend India as long as Britain admitted that we were no longer the rulers

of India. If Mr. Gandhi had talked like this when Sir Stafford Cripps went to India, it is at least possible, his mission might have been a success."

Five days after the arrest of Gandhi, the *New Statesman and the Nation* wrote on the Indian tragedy saying: "At such times violence breeds violence and a mob embarked on a course of non-violence may do things, as Gandhi found on an earlier occasion, which are by no means in accordance with the spirit of Mahatmaji's teachings. On the side of repression, once a free hand is given to the Police, violent incidents are inevitable."

The *Manchester Guardian* urged Britain, non-Congress Indians and the Allies also "to help us to compose the quarrel which hurts every one of them." Leading publicists like Mr. Brailsford writing in the *Reynolds News* and Mr. Lionel Fielden writing under the psuedonym of "Audax" in the *Observer* suggested that "Gandhi should be invited as a guest at Windsor or Chequers and that the Government should negotiate with him and Gandhi is not a fool."

Then there is the plea of Dr. Foss Westcott, Bishop of Calcutta and Metropolitan of India. He pointed out how few in Britain remarked, that "the Government of India acted not in reply to an actual order of Civil Disobedience but at a very moment when Gandhi had declared his desire to postpone Civil Disobedience and discuss matters with the Viceroy with a view to Congress taking a full share in the military defence of India." The Metropolitan urged that the last statements from Congress showed "strong grounds" for still attempting negotiation. "That force has been employed must not be allowed to rule conference out of courts. Within the Congress, there are strong elements on the side of active participation in the war effort and in complete alignment with the Allied Nations. The creation of a Council chosen by the real leaders of the political parties of India with real executive power now would unite all in the common war effort. Obviously negotiations bristle with difficulties; the basis must be co-operation in the war and a new Government must be representative of the main sections of the people. Negotiations may be wearisome and inconclusive but however difficult they are, they are better than Civil War on the sulky mood of a repressed people. The Japanese will know as they approach the frontier, whether they prefer an India in which inconclusive negotiations proceed, to one in which the hope of reasonable settlement has been abandoned."

The British Labour Party issued a statement on August 12th, 1942 in the course of which it recited the resolution passed on 22nd July by the Party's National Executive Committee and Mr. Greenwood, the Leader, has expressed views echoing those contained in the statement.

The statement, which emanated jointly from the Labour Party and the Trades Union Congress, says in the earlier passages:

> "In the light of Labour's declarations of policy in favour of Indian self-government, the recent Cripps discussion and the subsequent pronouncements of Indian parties and leaders and the grave perils which now threaten India as the result of Japanese aggression in Asia and throughout the Pacific, we feel it necessary to make an earnest appeal to the Indian peoples.
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> "We recall in particular the consistency throughout many years of Labour's considered view, reaffirmed at the annual Party Conference in May, as to the right of the Indian peoples to decide their own destiny 'now explicitly recognised by the British Government and Parliament and the unanimous call of the Conference to the British Government and the peoples of India to make a further effort to reach a rapid and satisfactory settlement.

"The Labour movement believes that the establishment of a free India in the post-war world is secure and is not endangered by any possibility of evasion or procrastination by the British Government.

"The world knows that there is now agreement on the principle of Indian freedom. This is a mighty and historic achievement. It is clear that not merely Indian freedom but the freedom of the whole world will be endangered, perhaps destroyed, unless the United Nations are victorious. But the war effort of India may make all the difference between victory and defeat in what is India's battle as much as that of Great Britain, the Dominions, China, Russia, the U.S.A. and other United Nations.

"We urge Indian communities to see the matter from this angle, for the Labour movement is confident that, if they could be so persuaded, apart altogether from India's right to self-government which is now clearly recognised, they would have vindicated their claim to positions of equality as a free world State in the post-war world.

"It is in the light of these considerations that the Labour movement has been bound to consider the recent unhappy events in India. The National Executive Committee of the Labour Party on July 22, had already resolved that the British Labour Party, anxious to promote the well-being of the Indian peoples and their aspirations for self-government, reaffirms its call to them made at its recent annual conference to make a further effort to reach a rapid and satisfactory settlement in conjunction with the British Government. It therefore regards with grave apprehension the possibility of a Civil Disobedience movement in India and its effects on the efforts of the United Nations now engaged in a desperate struggle to preserve and extend world freedom. Such a movement, the very contemplation of which is proof of political irresponsibility, might imperil the fate of all freedom-loving peoples and thereby destroy all hopes of Indian freedom."

"Terming the detention of the Congress leaders as a "timely and unavoidable precaution," a statement issued on August 12, by the British Labour Party concludes: "The Labour Movement is compelled to regard the present attempt to organise a Civil Disobedience Movement in India as certain to injure seriously the hope of Indian freedom, for such a movement must add heavily to the present burdens and anxieties of the leaders of the United Nations and give encouragement and comfort to the common enemy.

"The Labour movement, therefore considers that the action of the Government of India in detaining the leaders of the Congress was a timely and unavoidable precaution. The movement, at the same time, looks with confidence to the British Government not to approve of any action which would unnecessarily embitter the present troubles. It urges Government to make it clear that on the abandonment of Civil Disobedience it would be ready to resume free and friendly discussions with a view to safeguarding and implementing the principles of Indian self-government already proclaimed by the British Government and endorsed by the British Parliament and securing the wholehearted support to India in the common effort of the United Nations to win freedom for all."

Again the *New Statesman and the Nation* reverted to the subject on September 5, on the eve of the debate on India in the Commons and stated that India was the most urgent problem that would face the House of Commons when it met. It could not permit this dangerous and disgraceful situa-

tion to continue without making a further effort to find a solution. It pleaded for the issue of a White Paper stating the real extent of the damage and trouble in India, what ordinances were in force and how far such ordinances as the whipping order, had been applied and how many had been "detained" with and without trial and also what response the British Government had made to the efforts of responsible persons in India who continued to protest their belief that a National Government to defend India could still be created."

Mr. Attlee said in a speech on September 7, in Aberdeen, that "we had made many mistakes in our treatment of the Indian problem, but we had given India more than a century of internal peace and good government and had in the last 25 years made immense progress towards Indian self-government. Further progress was held back by disagreement among the Indians and by difficulties of introducing democracy into a country of 300 million people "at all stages of civilisation from the Rolls Royce to the bullock cart."

When the Parliament met in September, Mr. Churchill made a statement on India in which he had surpassed himself. He had no particular love of India, the Indian National Congress or its leader, Gandhi. His one aim was to crush Gandhism one day. His repugnance to the Gandhi-Irwin Pact and the very idea of the Viceroy in India admitting Gandhi to negotiations on equal terms had been expressed in his characteristic and inimitable language when he said so early as in 1931 :—

> "It is alarming and also nauseating to see Mr. Gandhi, a seditious Middle Temple Lawyer, striding half naked up the steps of the Viceregal palace to parley on equal terms with the representatives of the King Emperor."

Mr. Churchill had once proclaimed his policy to be one of giving "a thorough licking and a generous treaty to the enemy." Personal antipathies may be excusable but perversions of facts and phenomena noticeable in the following speech are even beyond comprehension.

Mr. Churchill during his eagerly awaited statement on India on September 10, 1942 said "the course of events in India has been improving and is on the whole reassuring." "The principles of the Government declaration which formed the basis of the Cripps Mission," Mr. Churchill declared, "must be taken as representing the settled policy of the British Crown and Parliament." Mr. Churchill continued :—

> "Outside that (Congress) party and fundamentally opposed to it, are ninety million Muslims in British India (here a member interjected "nonsense" and there were cries of "order") who have their rights of self-expression, 50 million Depressed Classes or "untouchables" as they are called, because they are supposed to defile their Hindu coreligionists by their presence or by their shadow, and 95 million subjects of the Princes of India with whom we are bound by treaty. In all, there are 235 millions in these 3 large groupings alone out of the 390 millions in all India. This takes no account of the large elements among Hindus, Sikhs and Christians in British India who deplore the present policy of the Congress Party. It is necessary that these main facts should not be overlooked here or abroad, because no appreciation of the Indian problem or of the relations between India and Britain is possible without a recognition of these basic data. The Congress Party has now abandoned the policy, in many respects of non-violence which Mr. Gandhi has so long inculcated in theory and has come into the open as a revolutionary movement designed to paralyse communications by rail and telegraph and generally to promote disorder, looting of shops

and sporadic attacks on the Indian Police accompanied from time to time by revolting atrocities—the whole having the intention or at any rate having the effect of hampering the defence of India against the Japanese invader who stands on the frontiers of Assam and also upon the eastern side of the Bay of Bengal.

" It may well be that these activities by the Congress Party have been aided by Japanese ' fifth-column ' work, on a widely extended scale and with special direction to strategic points. It is noteworthy for instance that communications of the Indian forces defending Bengal on the Assam frontier have been specially attacked. In these circumstances, the Viceroy and the Government of India with the unanimous support of the Viceroy's Council, the great majority of which are Indians—patriotic and wise men—have felt it necessary to proclaim and suppress the central and provincial organs of this association which have become committed to hostile and criminal courses.

" Mr. Gandhi and other principal leaders have been interned under conditions of the highest comfort and consideration and will be kept out of harm's way until the troubles subside. It is fortunate indeed that the Congress party has no influence whatever with the martial races on whom the defence of India, apart from the British forces, largely depends. Many of these races are divided by unbridgeable religious gulfs from the Hindu Congress and would never consent to be ruled by them nor shall they ever be against their will so subjugated.

" There is no compulsory service in India" said Mr. Churchill continuing " but upwards of one million Indians have volunteered to serve the cause of the United Nations in this world struggle. The bravery of Indian troops has been distinguished in many theatres of war and it is satisfactory to note that in these last 2 months, when the Congress has been measuring its strength against the Government of India over 140,000 new volunteers for the army have come forward in loyal allegiance to the King-Emperor, thus surpassing all records in order to defend their native land. So far as matters have gone up to the present, they have revealed the impotence of the Congress Party either to seduce or even sway the Indian army, to draw away from their duty, the enormous body of Indian officials or still less to stir the vast Indian masses. India is a continent almost as large and actually more populous than Europe and divided by racial and above all by religious differences far deeper than any that have separated the Europeans.

" The whole administration of the Government of the 390 millions who live in India is carried on by Indians, there being under 600 British members of the Indian Civil Service. All the public services are working. In five Provinces including two of the greatest and comprising 110 million people, Provincial Ministers responsible to their Legislatures stand at their posts. In many places, both in towns and the country, the population has rallied to the support of the civil power.

" The Congress conspiracy against communications is breaking down. Acts of pillage and arson are being repressed and punished with an incredibly small loss of life, less than 500 persons have been killed over this mighty area of territory and population and it has only been necessary to move a few brigades of British troops, here and there in support of the civil power. In most cases, rioters have been successfully dealt with by the Indian people.

" I am sure the House would wish me to pay tribute to the loyalty and steadfastness of the brave Indian Police as well as to the Indian

official classes generally whose behaviour has been deserving of the highest praise. To sum up, the outstanding fact which has so far emerged from the violent action of the Congress Party has been its non-representative character and powerlessness to throw into confusion the normal peaceful life of India. It is the intention of Government to give all necessary support to the Viceroy and his Executive in the firm but tempered measures by which they are protecting the life of the Indian communities and leaving the British and Indian armies free to defend the soil of India against the Japanese.

" I may add, that large reinforcements have reached India and the number of white soldiers now in that country although very small compared with the size and population, are larger than at any time in the British connection. I therefore am entitled to report to the House that the situation in India at this moment gives no occasion for undue despondency or alarm."

The Secretary of State for India at question time the same day, stated that appropriate steps were taken to inform the chief partners of the United Nations of the development in the Indian political situation.

Mr. Churchill's statement and statistics are wrong in mathematics no less than in morals. If the whole Muslim population of India is 90 millions, he cannot speak, of an additional quantum of Muslims from the States. If the very President of the Congress is a Muslim of high culture and eminent position, he cannot claim that the whole Muslim population of India is arrayed against the Congress to a man. If out of 50 presidents of the Indian National Congress, eight are Muslims belonging to the aristocracy of intellect, no less than social position, the Congress cannot be dubbed a Hindu organization.

In India where politics has been raised to the level of religion and ethics, an untruth in political dealing strikes one as scandalous. But with Churchill it was otherwise ; an untruth came easy to his lips. In answering the question " Why then did you allow false hopes to be raised in Russian breasts? Why then did you agree with the U.S.A. and Russia through a *Communique* which spoke of a second front in Europe in 1942? Churchill said :—I must say quite frankly that I hold it perfectly justifiable to deceive the enemy even if at the same time your own people are misled." [—Speeh on the war situation 11-11-42.] Such was the Premier of Britain with whom India had to deal.

Mr. Amery, replying to the debate, commenting on what he called " the note of optimism, declared that it was not beyond hope that at some not too far distant time, Indians might be able to agree on a constitution. He said : " There could, however, be no greater mistake, than to negotiate without the slightest chance of success. We have to await a Congress change of heart. Meanwhile, the British Government will welcome any proposal within the broad general framework of their policy." Referring to the efforts of Sir Tej Bahadur Sapru and Mr. Rajagopalachari to bring about an understanding between the major Indian parties, Mr. Amery said that " The British Government are glad to make it clear that they will welcome the progress of any efforts to establish Indian national unity on a firm and lasting basis."

When asked to publish documents showing that the Congress or its branches had actually issued instructions for the Civil Disobedience campaign, Mr. Amery said : " The Government of India will no doubt consider what information it may be desirable to publish, and I will consult them on the matter. The press has already published, on August 29, a summary of instructions for the conduct of Civil Disobedience which were issued by the Provincial Congress Committee in Madras shortly before the All India

Congress Committee passed its resolution on August 8. Much that has happened in other Provinces conformed to the pattern laid down in Madras. As indicated in the Congress Resolution of August 8, discretion seems to have been left to districts and individuals as to the manner of carrying out Mr. Gandhi's call for the complete paralysis of the administration. The Government of India have no doubt that the Congress leaders must bear the main responsibility for the disorders, even though they may not have directly instigated every act of violence that has occurred." When asked whether it was not desirable that there should be available to the House the actual terms of the instructions given by the Congress, Mr. Amery said : " It is for the Government of India to decide how much information that has reached them is suitable for publication."

The reference was obviously to the supposed instructions given by " a Madras Congress Committee " in this behalf which the Madras Government had published on August 29, with a blare of trumpets and a high sense of glee. But Mr. Amery himself had taken the wind out of his own sails by admitting the truth thus :—

> In the course of July, among much other evidence, not suitable for publication, the Government of Madras came across instructions which were being issued by the Provincial Committees in that province. I need not read the whole of these instructions. They urge Government officers to resign their jobs and arrange labour strikes, picketing of shops, stopping of trains by pulling chains, travelling without tickets and cutting telegraph and telephone wires. *It says that the rails should not be moved and that there should be no danger to life.* That certainly has not been followed."

The document contained words of caution embodied in the portion italicized which the Madras Government thought fit to omit and which in the debates in the Indian Central Legislature (Upper House), Sir Mohmed Usman, the newly appointed member of the Executive Council, thought fit to ignore even after Mr. Amery was good enough to quote it in the Commons.

Mr. Amery trotted out the usual clap-trap about the " constitution effecting in substantial measure, wide agreement based on discussion and compromise between elements that have got to live together within a single political framework." But who emphasized the view that the Muslims, a hundred million in number, could not accept the constitution under the Federal scheme ? Who were the authors of the Declaration of August 8th in India and 14th in the Commons in 1940 ? Was it not Lord Linlithgow and Mr. Amery, who gave the Provinces the right of secession in Cripps' Declaration ? Was it not the Premier of Britain ? Having carved out clefts and cleavages, it ill-befitted these high dignitaries to cry aloud for "discussion and compromise."

Mr. Amery speaks of the thousands of miles travelled by Mr. Cripps, 'to meet the men together' and yet 'the different parties in India were not prepared to cross a street to meet each other or discuss among themselves or with him, a further settlement of the Indian constitution." Can untruth go further ? Was there ever a suggestion that parties and groups should meet and discuss Cripps' Proposals, during his stay in India ? He chose to discuss them with those whom he or his advisers selected and he abruptly cut short discussions and flew away.

Mr. Amery in a war commentary in London on 29th September, said " a constitution imposed by any one element could not live but that was precisely the aim which Mr. Gandhi and a handful of his associates who control the Congress machine have set before them. It is to enforce that

aim that they recently decided to launch a campaign of mass sabotage intended, by its paralysing effect, to bring the Government of India to its knees. That would spell disaster not only for immediate war effort, but for any great foundation for India's future freedom and unity."

This is another untruth which must be contradicted. Has ever Congress claimed the exclusive right of framing a constitution for India? Rather has it not asked for a Constituent Assembly with its members elected on the existing basis of separate 'ectorates and with the right conceded to any minority that the will of the majority in it, shall prevail on any 'communal' matter?

If in Provinces like U. P. and Bihar and Madras, the representatives of the Depressed classes in India are nearly all Congressmen, and in Bihar there was a Harijan Congress Minister as also in Madras, it cannot be claimed that Harijans have nothing to do with the Congress. Above all, it is wrong to regard the Congress which represents a National Movement of internal renaissance and external freedom, as a party organization comparable to the Liberals against the Conservatives or the Labourites in Britain. The Congress represents a determined and self-effacing body of opinion wedded to the highest sacrifices in the cause of India's emancipation from foreign rule. In eight provinces out of eleven, it was able to run the scheme of Provincial Autonomy and out of the rest, it was the sordid manipulations of groups at least in one—the biggest of them by British Legislation, that baulked the Congress of its power, though its influence in that province remained a vital factor nevertheless. It was to the Congress that Lord Linlithgow had in 1937 given the assurances that in the ordinary administration of the Provinces, the Governors would not exercise their special powers of reservation and safeguards,—assurances which made the formation of ministries in Congress Provinces possible in July 1937. If the Congress earned 711 seats in the Legislatures out of a total of a little over double the figure in the first innings, it could not be treated as the impostor that Mr. Churchill seems to be inclined to describe it. Above all let it be remembered that when Sir Stafford Cripps visited India on his mission in March-April 1942, he prefaced the discharge of his duties that he was concerned only with the Congress and the League. Why did he not speak, why had not Mr. Churchill who sent him, instructed him to speak, of the Sikhs, the Christians and the non-Congress Hindus?

Obviously, Mr. Churchill could not have it both ways. And too, he spoke of the 600 Britons in the Civil Services administered by a whole body of Indians. So it was in France (1943) when once it was conquered by Germany. But that does not make the rule in India any more Indian than it is French in France. This war has shown that it is not the Indian alone that waits in servility and abjectness for the crumbs that fall from the Master's table. European Nations once conquered and disarmed are no better. It is subjection that fills the services and dumps the recruiting grounds. Poverty and want have driven the vast bulk of the million recruits into one or other wing of the Indian army—or shall we not say, to be precise—the army in India, for there is, as pointed out by Cripps, no Indian army today in India.

It was alleged by Mr. Churchill in the House of Commons that the Indian National Congress was sustained by commercial, industrial and financial interests. Is it a crime even if true? The Congress is sustained by its four anna membership fees and when the latter is poor, it is starved. Are not the commercial and industrial people of India, Indians? Do they not pay taxes? Have they no right to Swaraj? Has Congress acted up to their behests at any time? The raising of House Taxes in Bombay for

Prohibition, the Debt Relief Bills, the Tenancy Bills,—are these in their interests or in the interest of the poor? Who sustain Mr. Churchill? Who are the real rulers of Britain? The answer has come from Professor Harold Laski, himself a distinguished Briton and a protagonist of a democratic front against the Fascist and Nazi Aggressors. "The Conservative Party dominates the House of Commons which was elected in 1935 upon an admittedly false issue. The essential purpose of that party is the protection by all possible means of the interests of private property in the means of production." Finally it may be pointed out that Mr. Churchill has no warrant to speak of the Congress having abjured non-violence or refer to the "Congress Conspiracy" against communications. Confessions have been made by people in no way, not even remotely connected with the Congress, owning up themselves the disorders in Bombay and Ahmedabad. The fact is that when Congress had been imprisoned before it even inaugurated its movement, the country went mad with rage and impotent rage is apt to run along insidious channels not pursued by open war-fare. Gandhi, free, is the first constable of India, the guarantee of peace and tranquillity. But the British are strangers to the plane and principle of non-violence and would rather change it over to violence where their resources are irresistible and unfailing. Their justification of wholesale and, as the Congress considers, premature arrests is that in asking for an interview, Gandhi was playing for time. Granted. Is not the arm of British Government long enough and sufficiently powerful to put down a violent revolt by an unarmed nation? The Congress has always adhered to the cult of non-violence and deprecated occasional lapses into violence in the past. It is Britain that has condemned the non-violent movement as self-stultifying, infructuous and even anarchical.

Mr. Churchill's speech was no less deplored in England than in India, in the new world than in old. Messrs. Allen, M.P. and Greenwood, the Leader of the Opposition in Parliament and till lately a Minister, criticised the Premier's statement "as being in some sense provocative, truculent, not helpful and shocking to millions."

Discussing Mr. Churchill's statement on India in the Commons on Thursday the 10th September, *The Times* in a leader says: "The Congress Party does not represent all thinking Indians or perhaps even a majority of them. But though no settlement could possibly be reached by taking account of Congress opinion alone, it is equally true that no settlement can be made which ignores it." *The Manchester Guardian* commenting on Mr. Churchill's statement states that Mr. Churchill contradicted "some oversimplified versions of the situation that have found currency in the United States.....While the suppression of disorder is thankfully welcomed, there will be deep disappointment in this country as well as among the United Nations overseas if Mr. Churchill's statement is the last word."

These by the way are also an effective answer to Amery's refusal to negotiate with the Congress. Again reverting to the subject on September 28th, *Manchester Guardian* writes "British reputation for statesmanship in India has steadily dropped. We have failed to convince American and Chinese opinion that we are living up to our liberal protestations. The tone of Mr. Churchill's speech was hardly less than disaster, for it seemed to show no anxiety for an early settlement and it took no account of the concern of the rest of the United Nations in Indian liberty."

In India Mr. Churchill's speech had only the effect of adding fuel to fire. The evening Muslim daily, *Star of India* said "Mr. Churchill's statement would create in India more resentment than his repudiation of the Atlantic

Charter for India, as he is a diehard Imperialist more fond of annexations than any conferment of freedom."

*The Amrita Bazar Patrika* wrote "The speech is provocative from beginning to end. It is an incitement to lawlessness and challenge to India's progressive forces."

Characterising Mr. Churchill's statement as "Little short of calamitous," the *Civil and Military Gazette* writes. "Every real nationalist—and their ranks include many who harbour the liveliest regard for Britain and who are unequivocally sincere in their support for the cause of the United Nations—can truly say that India asked for bread and has been given a stone."

"It is merely fatuous casuistry," adds the paper, "to seek to lower the prestige of the Congress by subtracting from India's myriads, the millions, who do not owe allegiance to this organisation and displaying the remaining few as possible Congress adherents.

To the 90 million Muslims, the 50 million Untouchables and the 95 million state subjects, whom he counted as non-Congressmen, Mr. Churchill might have added 200 millions who are politically unawakened and thus have had the satisfaction of proving that the Congress has following of minus 45 million—and the utter futility of his own outlook on India.

The paper considers that the Prime Minister could have fully satisfied the aspirations of the large bulk of sane nationalist feeling in this country, if he had reduced the conditions of transfer of power from Britain to India to the constitution of a representative national Government fitted to be the repository of that power.

Had this been done Britain would have demonstrated as baseless the mass of suspicion, which exists in this country and at the same time, would have placed on the shoulders of Indians themselves the burden of resolving the present imbroglio. A valuable opportunity has been wasted concludes the paper.

The Hindu Maha Sabha called upon the British Government to give up the policy of drift and take the initiative without any further delay.

A real and serious approach to the solution to the problem in India was made by *The Statesman and Nation* in its issue of October 10, 1942, on the eve of the Parliamentary debate on India later in that month: "Can nothing be done to break the political deadlock in India?" asks this well known Weekly. "Unwisely as we think the suggestion of American mediation has been rejected. *The Times* argues that the Government should not abandon the initiative and it proposes that the five key portfolios in the Viceroy's Council still held by Englishmen should be conferred on India. The trouble is that no Indian who enjoys the confidence of his countrymen or has a party behind him will enter the Council on the footing. Nothing is gained by appointing Indians who only represent themselves. The only step worth considering would be to entrust the most suitable Indian Statesmen—perhaps Mr. Rajagopalachari, Sir T. B. Sapru or Sir Sikandar Hyat Khan with the formation of National Government. Till we prove in this way, what Indians doubt, our readiness to hand over power, we cannot judge whether their parties are willing to combine for defence....."

Mr. Amery's quotations from Gandhi are dealt with in a later section dealing with other quotations from the Government of India's booklet and the White Paper on the disorders in India in the chapter headed "Gandhi on the Pillory."

Shortly after the notable utterances in Parliament by Churchill and Amery, India once again figured in both the Houses in the month of October

(1942) in a full dress debate on the Indian situation, at the time of the moving of the second reading of the India and Burma (Temporary and Miscellaneous) Bill. The scene is the House of Lords, the character on the stage is the Duke of Devonshire—Under Secretary of State for India. But the burden of the song is the same. The Cripps' Mission had stuck upon "the sandbanks of the Congress Party's unwillingness to make any compromise and their claim to be the sole mouthpiece of Indian Nationalism." The Duke continues :— "To have handed the Government of India over to the Congress ignoring the claims of the various elements which in the aggregate greatly outnumber the Congress, could have led only to chaos. While to form a representative Government from the other Indian parties without the Congress would not have provided a satisfactory solution. Even that solution seemed ruled out by the mutually incompatible demands of the second largest Hindu party after the Congress the Maha Sabha and the Muslim League. Hence the deadlock, a deadlock for which the British Government is most unreasonably being blamed." Unreasonable indeed ! First the British make a declaration through Cripps—cutting out the States People from the picture and permitting the secession of Provinces from the Indian Union, then blame India that the Congress and the League do not agree, then recognize the Hindu Maha Sabha (August 8th, 1940) and then say there is one more body which disagrees with the other Non-Congress bodies, even for a constitution to be attempted without the Congress ! This is the story of the monkey and not the proverbial two cats, but three, four or as many as the monkey chooses to bring into the dispute !

> "The Duke of Devonshire has the grace to admit that there is 'no direct evidence—I emphasise, that any enemy influences have been at work in India,' but repeats the charge against the Congress that it has directed the campaign to damage the war effort. Then he casts his fling at *prelates and politicians* that they should be writing articles blaming the Government in Britain or in India for the deadlock and urging that the next move lies with them."

Finally he attacks the "leftist press" and the *Times*, the latter for claiming that "India's war effort could be multiplied ten times if the political difficulties were removed and the British Government could remove them. This is demonstrably and ludicrously false. The limiting factor is not lack of willing recruits but of equipment and technicians on the constitutional question." The Duke declared that the Cripps' Mission having failed, the next move must come from India.

Mr. Amery was questioned in the Commons on 1st October as to what representations he had received from influential persons or organisations in India respecting facilities for legitimate communication with Congress prisoners for political negotiations. He was also asked to state the 'present' whereabouts of Pandit Nehru and if Pandit Nehru could receive correspondence. Mr. Amery said : "I have received no such representation, Mr. Nehru is permitted to correspond with his family on family matters. I am not prepared to disclose his whereabouts." Asked for information regarding machine-gunning of disorderly crowds in India from aircraft and invited to order cessation of such methods, Mr. Amery said : "I have nothing material to add to the official statement made in the Indian Legislature last week and reported here in the Press to the effect that during the recent disturbances *mobs were five times machine-gunned from the air* and after an aeroplane crash which occurred on September 18 in Bihar in which the pilot was killed and the crew of the aircraft were murdered by a mob. It was found necessary to use aircraft to check sabotage by mobs in areas in

which the movement of troops on the ground was hampered both by widespread interruption of railways and by exceptional flood conditions."

Turning to the policy of the British Government and the Government of India in relation to the present position in India and to the immediate future, Mr. Amery said so far as the Congress was concerned its leaders by their own actions had put themselves out of court.

> "There can be no question of the Government of India entering into negotiations with them or allowing others to do so, so long as there is danger of recrudescence of troubles for which they have been responsible or until they made it clear to the authorities that they have abandoned their whole policy to control India by illegal and revolutionary methods and are prepared to come to an agreed settlement with ourselves and their fellow-countrymen. There is no propsect of appeasement of the Congress in its present mood and outlook. That would only create greater difficulties with the Muslims and other parties. Above all, it would be regarded as a direct betrayal by the army, the police and the civil service who have played so steadfast a part in the troubles and upon whom the whole safety of India and the fate of the Allied cause so largely depends."

It is the saddest feature of modern civilization that in the pursuit of war and wealth a person like Mr. Amery cannot perceive the difference between a Hitler and a Gandhi, and between a revolution based on violence and one rooted in non-violence.

The Indian National Congress is not ashamed to admit that from a 'constitutional' body which meant a mendicant, importunate and obsequious body—it changed over in 1920 into a self-respecting, self-reliant, revolutionary body—pledged to attain Swaraj or Complete Independence by peaceful and legitimate means; and these two words the Congress has all along understood and interpreted as Truth and Non-violence. To a nation that *now* calls itself the owner and *now* a trustee of India, the idea of revolution and Independence may sound repugnant and provocative but if, at the end of all the pledges and proclamations, all the Charters and Declarations given from 1833 to 1942, the British Empire seeks to retain what it has, the Congress, may readily be forgiven for its outspoken ideals and open-handed warfare conducted on its own immutable principles. That the Congress has not sought power for itself is proved to the hilt, that it agreed to the British handing over power to the Muslim League is equally well proved. That it sought to oust the Minorities in the Cripps' negotiations was, though it was the charge on the top of which Cripps had flown away from Karachi to London, was contradicted by Cripps himself later when he admitted that at no time in the negotiations in Delhi did the question of the relative numbers of the Executive Council from the different groups in India, arise. A lie always goes six months in advance of the truth and is not easily overtaken by it. On the question of resolving the deadlock itself we quote the very appropriate rejoinder made by C. Rajagopalachari to Amery's speech:

> "Every fresh effort on the part of Mr. Amery means a further widening of the already dangerous gulf. Apart from reasons and justifications, we gather from Mr. Amery's speech that the British Government has decided to rule out all attempts at forming a Provisional Government."

Bertrand Russell and his wife writing to the *Manchester Guardian* on October 29th, say that they doubt whether the English people sufficiently realise the excitement in the United States over the Indian deadlock. They

declare that something should be done to reassure not only India but the United States and other Allies of Britain.

Mr. Vernon Bartlett writing in the *News Chronicle* on 29th October, 1942 outlined a plan to end the Indian deadlock :

> " No plan can succeed unless it removes India's feeling of political inferiority or involves such drastic changes that dangers of Japanese invasion would be increased by its introduction. The British Government stands by the offer made by Sir Stafford Cripps,—Mr. Attlee and Mr. Amery both said so within the last month. But their assurances should be reinforced by Parliamentary measure and by Royal proclamation promising earliest possible attainment of independence after the war in return for interim arrangements guaranteeing India's full co-operation against the common enemy."

The London left wing weekly, *Tribune* addressed an open letter to Stalin declaring :

> " The Red Army's achievement against Germany has established your title as the spokesman of the United Nations. None except you, because Russia is both an Asiatic and European power, can speak with authority on : Firstly, unified war strategy ; secondly, deployment of China's vast manpower ; thirdly, finding out way to secure co-operation of the whole Indian Continent. What is at stake is the survival of United Nations and the upward march of all humanity. We beseech you to invite Chiang Kai-Shek, Roosevelt and Churchill to a conference to determine the central purposes and design of Allied strategy and the supreme unified military instrument for victory."

Harold Laski writing in an article under the caption " After Repression—What ? " on 15th November says :

> " The trouble with any policy of repression is that it always tends to burn down the bridges along which men can pass to understanding " and offers the following suggestions to end the deadlock :
>
> " It may be said that the Congress leaders are under detention ; the answer is 'liberate them' to offer proof of our determination to make the Conference succeed. If it is argued that to hand over the powers of the Government of India now to an Indian Government is, as Sir Stafford Cripps said, to create a self-perpetuating oligarchy, is not the solution an Indian Viceroy whom all parties respect, Sir Tej Sapru, for instance, to whom by convention, the Indian Cabinet shall agree to accord the power to accept the resignation of a Minister or the Ministry itself, and to veto legislation he deems prejudicial to a minority interest ? This is an obvious form an interim arrangement might take until the Constituent Assembly had, after the end of the war, completed its task. If there is objection to a Hindu Viceroy, let an eminent Mohammedan be agreed upon. If a term until the end of the war seems too indefinite, let the communities share the office in turn for a two-year period. Let the Conference agree who is to be Prime Minister, and that the Minister of Defence shall be of the alternative faith. Above all, in the realm of defence, let there be no confinement of the Ministerial function to the organised paltrinesses with which, in the Cripps proposals, it was endowed, but let it bear the relation to General Wavell, the British War Cabinet and the Pacific Council, that the Government of Australia bears to General MacArthur, and, inferentially, to President Roosevelt and the Pacific Council. Make the raising of great armies for the defence of India the business of Indians themselves. Make it the duty of an Indian Cabinet to speed war production ; to organise, if need be, a

scorched earth policy in India. If Japan does in fact invade India that scorched earth would be the proudest symbol of its new freedom that India could display."

It was in October that the Hindu Maha Sabha Executive met and hoped to forge some key by which the deadlock might be opened. It was stated time and again both in Parliament and outside, in England and India alike that the Congress being an outlaw, no negotiations could be opened with it until it changed its policy—but that it was open to the leaders outside its pale to gather together and evolve some formula which would certainly be considered by Government. Really Government created a puzzle—a tangle which neither they nor the non-Congress public could unravel. Their position was that they would not touch the Congress with the longest pole, but that no solution would be worth attempting which did not include the Congress, that the Muslims would not consent to remain a minority but that Government themselves would not countenance their proposals for a Pakistan, that even for interim measure as soon as the Central Executive Council became wholly Indian, the Muslims would claim half the seats because otherwise they consider they would not be safe, that the Congress rule in the Provinces inspired in them such fears although it is a fact that the Governors of Madras and U. P. had praised such rule to the skies in their own day and not a single Governor thought during a whole course of twenty-seven months of Congress Ministries that there had arisen anything which should have called forth their intervention or warning. Now when the Hindu Maha Sabha, the non-party leaders and later the All-Party Leaders sought to intervene and employ their good offices, facilities were denied for that very consultation with the Congress without which Government's spokesmen had admitted that no solution would be thinkable.

Mr. Amery when asked in the Commons in November, 1942 regarding the Viceroy's refusal to allow Dr. S. P. Mukherjee to see Mahatma Gandhi said : " I am not prepared in the present circumstances to permit interviews with the Congress leaders."

As in America, so in England, the month of October was an eventful one for India. There was restless activity throughout both the countries—partly on account of the Parliament's debate on the India Bill and mostly through the accelerated momentum which the rapid movement of events was gathering in India. The impasse created by Government also became by October the more vivid in character and unequivocal in responsibility.

Independence and a National Government for India and the immediate resumption of negotiations on that basis by the British Government were demanded by an India League meeting in London, in a resolution which was proposed by the Labourite member of Parliament Mr. R. W. Sorensen who expressed regret that during the last eight weeks of " repression and sporadic violence " in India, " the civil population had been fired on 234 times and people had been machine-gunned from the air." One good turn was done to India. It may be remembered that Sir Stafford Cripps had stated in the American Press that he offered a Government to India—the same as that of the American President and his colleagues in U.S.A. This was wholly untrue and fortunately on October 20, the Secretary of State for India, Mr. L. S. Amery, denied in a broadcast to America the allegations that Sir Stafford Cripps had offered India an immediate National Government, but was overruled from London. Such irritants came in profusion month in, month out. In September the nation had witnessed the Premier's mathematical proof of the negative value in integers of the Congress in India. In October the Foreign Secretary, Mr. Anthony Eden addressing a Scottish Unionist

Conference, said that the British Empire could not withdraw from its position as a world power.

About the same time Mr. L. S. Amery, was asked in the House of Commons why the Indianisation of the Viceroy's Executive Council had not been completed by appointing three Indians to hold the portfolios still held by European members and he replied that the Viceroy had expanded his Executive Council to secure the efficient and continual support of its members, in order to meet war conditions. He was satisfied that in the existing Council, there were members best fitted for the present task. The present European members were being retained merely because of the difficulty in finding suitable Indians for the posts !

The British politicians have standards of Truth which it is difficult to comprehend. Long years ago, Lord Lytton in his *Earsent Maltravers*, makes a character, describe " Politics as the Science and Art of concealing Truth." Since those days, it has developed into the Science and Art of making untruth do the part of Truth. How else could we explain the brazen faced answer of Mr. Amery in his broadcast to America in the form of answers to questions put by an American Radio commentator in October ! Asked whether Mr. Churchill refused India the right to be included in the Atlantic Charter, Mr. Amery said, " He did nothing of the sort." British policy, he said, was entirely in harmony with the Charter and the principle underlying Article 3 " was laid down by us twenty-five years ago as one to be progressively developed in India." Questioned " Do Indians believe you mean what you say ? " Mr. Amery said, " They do."

The *Manchester Guardian* reverts to this question and urges the application of the charter to India. It says : " When Government is looking round for ways of being helpful in India—and it should seek them—it should settle this tiresome question of the Atlantic Charter,"

Mr. Amery not satisfied with his comments on the civilian population and their internal disputes pressed into service the Indian soldier. The one person competent to answer him,—Master Tara Singh, the Akali leader of India, stated that Mr. Amery was labouring under an illusion if he thought that the Indian Soldier was less patriotic than the rest of the population. " I have met many soldiers " says he " and I am certain that the percentage of votes of the soldiers in favour of the immediate establishment of a National Government will be much higher than that of the other people." A little later, Mr. Churchill said in the course of a war statement that there is nothing objectionable in speaking an untruth if the object is to deceive the enemy.

The month of November brought its own elements of surprises and contradictions. October's burdens were duly carried forward to November. Shri C. Rajagopalachari who had resigned his membership of the Madras Legislative Assembly as well as of the Congress in July, in order to carry on his agitation for a settlement, asked in October for passports and a plane to London in order to convince the authorities of the feasibility of his terms of compromise. But the necessary facilities were refused. That was of a piece with the policy of Government which had refused earlier to the Metropolitan, Dr. Shyama Prasad Mukherjee and later to Mr. William Philips (special envoy of President Roosevelt to India), and Shri Rajagopalachari himself, access to Gandhi. A letter signed by over forty prominent people including Lords Morley and Strabolgi, G.D.H. Cole and Harold Laski, Julian Huxley, Brailsford and Professor Joad and leading women like Dame Elizabeth Cadbury and Lady Layton, was sent to the Secretary of State for India, Mr. Amery urging the Government to facilitate the visit of Shri Rajago-

palachari to England. But the *magnum opus* of the British Government lay in the momentous pronouncement of Premier Churchill, who, speaking at the Lord Mayor's annual banquet at Mansion House, declared that Britain had no acquisitive designs in North Africa or any other part of the world and said, :—

"We have not entered upon this war for profit or expansion but only for honour and to do our duty in defending the right. Let me, however, make this clear. Let there be no mistake about it. We mean to hold our own. I have not become the King's First Minister in order to preside over the liquidation of the British Empire. For that task, if ever it was prescribed, some one else would have to be born and under democracy, I suppose the nation would have to be consulted. I am proud to be a member of that vast Commonwealth and society of nations and communities gathered under and around the ancient British Monarchy without which the good cause might have perished from the face of the earth. Here we are and here we stand, a veritable rock of salvation in this drifting world."

It was no wonder that Mr. Churchill should have made such a speech for let us look at his anteccdents. Winston Churchill in a broadcast to the British Nation in 1935 denouncing the attempt of some Englishmen to give India a new constitution, said : (he was then in the Opposition Benches)

"My friends to whom I now speak (and I have been trying for the last 4 years to speak to you about India on the broadcast) let me tell you, India has quite a lot to do with the wage-earners of Britain. Why, the Lancashire cotton operatives have found that alright. A hundred thousand of them are on the dole already ; and if we lost India, if we had the same treatment for a Home Rule India as we had (to our sorrow) from a Home Rule Ireland, it would be twenty hundred thousand, it would be more like two million bread-winners in the country who would be tramping the streets queuing up at the Labour Exchanges. We have in this Island a population of 45 million living at a higher level than the people of any other European country. One-third of these would have to go down, out or under; if we ceascd to be a great Empire, with world-wide connections and tradc. That would be the fate of large populations of Little England. And then they tell us that the relations of Government, Britain and India are not a matter for the working class or for the ordinary elector. Oh no, they say, all these lofty matters have to be settled by a lot of swells scratching each other's back and logrolling at Westminster and White Hall. The working classes are not to be encouraged to take any interest in India. Let them mind their own business. India has nothing to do with them, nothing. It is only their daily bread. That's all."

Mr. Churchill's speech was made on the 10th of November and on the same day was made the King's specch proroguing Parliament.

The King said :—

"It is the firm and unchangeable purpose of my peoples and our Allies to defend the cause of freedom wherever it is attacked and carry the war into enemy territory so that we may liberate as speedily as in our power those countries and powers now under hateful domination.

"My Government in the United Kingdom have declared to the Princes and people of India their desire to see India assume full freedom and independence within the British Commonwealth of Nations on the basis of a constitution framed by Indians themselves immediately after the termination of hostilities. In the meantime, representative

Indian political leaders were invited to co-operate fully in the Government of their country and in the prosecution of the war. I regret profoundly that hitherto they had not been willing to accept this offer. I sincerely hope wiser counsels may prevail and that a speedy and successful conclusion of these difficulties may be brought about through a wider measure of agreement among the Indian peoples themselves."

It is seldom that the King of Britain refers to the controversial problems of politics in his speeches to Parliament. They are more often a record of facts than statements of policy. The last occasion on which such reference to a Political problem was made was in 1922 when King George V made a direct reference to the Irish problem and went to the length of rejecting the draft of his ministers and sought the aid of General Smuts for preparing a fresh draft. If His Majesty King George VI thought like his father, he should not have accepted this draft for on the same day it was read in Parliament, the Premier who must have been responsible for it, made his notorious speech at the Mansion House. Obviously the implication is that his own speech was the key and comment on the King's. This is not an unusual or uncommon practice with British diplomacy for oftentimes ministers had openly to admit that theirs was the task of drawing a picture with a double face, one looking towards India and looking like Swaraj and the other looking towards Britain and looking like British Raj. While the King's speech bore testimony to the importance of the Indian problem, it did little that was calculated to ease the tension in the Indian situation for the speech was but a reiteration of the all too familiar thesis of the minister's performances—relating to a wider measure of agreement among the Indians. It is difficult to say whether the Premier's speech was a corrective to and commentary on the King's pronouncement or whether the Royal utterance was a salve to the irritant applied to India by the Premier's blister. Between the two at any rate no doubt was left as to the opportune and appropriate character of the declaration made by the Editor of *Life* in U.S.A. in the open letter addressed to Britain that they in America were not fighting for the British Empire.

The Premier's observation once again roused the sleeping dogs of Britain—ever watchful of inroads into People's freedom but never remiss of duty despite their seeming somnolence. The reiteration by Herbert Morrison, the British Home Secretary, soon after "Britain's offer to the people of India" did not help to sooth the festering sore. "Britain has offered to the people of India full liberty to make their own constitution for themselves, even if it means complete independence" said he. "Whatever destiny they want for their country after the war they can have, provided only nothing is done during the war to prejudice victory for the United Nations. Can you tell me any other example in history of a ruling power making such an offer on such a scale, with so much at stake, to a subject-people? What do you make of it? I made of it one more proof that the British people are looking to the future with exactly the same motives and purposes as brought them into the war."

India has always been put out by the spirit of condescension displayed by Attlees and Morrisons, Bevins and Greenwoods than by the flamboyancy of a Churchill or the arrogance of an Eden or the impishness of a Devonshire. And to Morrison India says that she makes out of the offer a demand by Britain that India should accept a belligerency imposed on her by Britain herself and fight a war as a slave herself for the deliverance of the conquered countries of Europe from their slavery, putting her trust in people and pledges who have never respected them beyond as scraps of paper or whiffs of sound.

The non-official British view was more critical and less credulous.A reference has been made in the narration of events referring to the opening months of War (October, 1939) to the visit of Edward Thompson to Wardha and how much he must have been disillusioned by the events of 1942 would be clear from his article quoted here below :

> " Exasperation and bewilderment are the common (and justified) reaction to the Indian news. But to talk of ' blackmail ' and ' a stab in the back' is to use phrases which indicate the sporting and schoolboy level on which many still imagine this war can be won. Government spokesmen who accuse Congress of letting down China and Russia should remember it was not Indians who first let them down. Mr. Amery himself, for example, who has made this charge, has been unfortunate, for the Press in India during two years has publicised his own statement when Japan first attacked China, that " Japan has a very powerful case based on fundamental realities, and did right to act" with the object of creating peace and order in Manchuria and defendig herself against the continual aggression of vigorous, Chinese nationalism. Our whole policy in India, our whole policy in Egypt, stand condemned if we condemn Japan." Accordingly many of us did not condemn Japan (until recently); just as many seemed anxious for Russia's elimination (until the Anti-Commintern Ghost turned West). Very few Indians believe that our rulers care about anything but British Interests."

Attempts were being made from time to time to establish communication between outsiders, and Gandhi and the Members of the Working Committee. Towards the end of November, Mr. Amery was asked in the Commons " If correspondence from private persons in this country can be sent to Indian leaders now detained, whether those leaders are or will be permitted to communicate with private persons in this country, and whether they will be permitted to make any public declaration," Mr. Amery replied "I understand that the detained Indian leaders are permitted to correspond only with members of their families and that only on domestic matters. I cannot say when the present restrictions will be relaxed. Whether any public declaration by the leaders could be permitted would presumably depend on its character."

India has not been forgotten in this new crisis by her good, old well-wishers—the Friends' Society in England. Their aged chief, Mr. Carl Heath, has shown in his letter to the *Spectator* on Indian situation, a measure of vigour and resentment and on earnestness of purpose and appeal which can only spring from the sincerest of hearts.

The autumn of England was altogether disturbed by the slashing pronouncements of Wendell Willkie, by the reactions to Premier Churchill's avowal of " have and hold " as well as by Lord Cranborne's reiteration of age-old British Colonial policy and by the severe criticisms from the American Press. The *Times* made a fresh statement on the future of the Colonial system and pleaded for the " giving up of the antiquated attitudes."

It was not in India alone that Mr. Churchill's decision ' to hold our own ' created great comment and doubt. The whole of the East,—Far, Middle and Near were perturbed by such an unambiguous pronouncement.

### An Arab Speaks

From an Arab leader, 2,500 miles across the desert from Casablanca where President Roosevelt and Premier Churchill were discussing policy, came a call in the last week of January (1943) for the extension of the Atlantic

charter* to the Arab world. Listen to what was said by the Emir Abdullah of Trans Jordan :

> " The Arabs have faith in the justice of the United Nations' cause. The United Nations are fighting Hitler, Mussolini and the Japanese because they resent tyranny, oppression, intolerance, regimentation, Imperialism and because they want the common folk to have freedom in all respects. But the United Nations are obviously not fighting this war to perpetuate the same inequalities in conduct, the same deprivation of liberties, the same rough shod denial of freedom that stigmatize the dictatorships. They must seek a broad interpretation of the role of the smaller nations that want to develop their destinies and to rule their own corporate rights untrammelled by foreign influence."

Here by the way is a rider to Article III of the Atlantic Charter, incorporated in it by one of the two authors to which the fellow-author (Roosevelt) takes tacit exception when he declares (on October 28, 1942) that the Atlantic Charter (14-8-1942) is applicable to all humanity. Either Roosevelt was not serious in making such a statement or he has been overborne by his colleague and collaborator into agreeing to the comments and exception made by Permier Churchill to Article III.

One more month elapsed. The Christmas month brought no brighter future within sight, for India. The extension of Lord Linlithgow's term by another 6 months—*i.e.* up to the end of October 1943, brought no joy anywhere either in India, or amongst the progressive forces in England. The London *Times* bemoaned the failure of the conviction which had been reigning almost everywhere that the appointment of a new Viceroy would be the signal for a fresh approach to the far-reaching issues of Indian policy. The *Daily Herald* suggests that in his failure to find an eligible successor, the Prime Minister took too restricted a view of the qualifications which would fit a man to be Viceroy.

The fact of the matter seems to be that no one was willing to step into this unenviable place. The reactionaries were content to remain in their situations, content to do some war work in the umbras and the penumbras of life. The progressives saw no way out of the impasse and would not shoulder the burden unless a wide latitude should be given to the new comer. Until such time, Lord Linlithgow had to plough the field of repression and water it, being yoked to it along with his friend Mr. Amery. But one change may be noted in British Indian politics. The days of Burke and Sheridan are gone when they impeached Warren Hastings, gone too are the days when Bright and Cobden held aloft the torch of Liberalism, gone for ever the days of W. S. Caine and William Digby, of Sir William Wedderburn and Charles Swann, of Alfred Webb and Herbert Roberts, of Dr. Rutherford and Frederick Grubb, gone no more to return are the days of Keir Hardie and Macdonold, Colonel Wedgewood and Pethick Lawrence, and now are the days of Maxton and Ammon, Silverman and Sorensen—men without any very large backing. to take up Indian cause unless a general election swept the tide of Consenvatism. Except for the four or five members of the Independent Labour Party and the solitary Gallacher that was ploughing alone the sands of communism, the rest of the members of Parliament became but one group—the National Government. Individuals might hold views of varying shades but as groups, they could not be marked off one from the other. And all were equally Imperialistic in outlook. With the Unionists it was merely a question of

*To Article III (they respect the right of all people to choose the form of government under which they live). Winston Churchill has already tacked one provision (that this shall not supersede the announced policy of Britain in various parts of the Empire.)

" have and hold ". The Imperialism was a luxury, promoting their wealth and power. But with the Labourites, it was a question of eat and live, live or die. Without Empire, where would be the Labourer's employment, wages, amenities and to what end would his franchise be without work and means ? Votes do not fill stomachs. It is in this view that we must understand the new Labour exposition and its policy towards India drafted by Mr. Ridley, M.P., Vice-Chairman of the Party's National Executive Committee in the form of a pamphlet. Mr. Ridley was for 2 years (ending March 1942), Parliamentary Private Secretary to the Right Hon'ble Arthur Greenwood, then a Minister without a portfolio and was lately recommended by Prof. Laski, as one of the Party's ablest men, who should be given some ministerial appointment. Apparently in his publications, he strove to live up (down) to his reputation.

The Rt. Hon. C. R. Attlee, (now Deputy Prime Minister) says in a prefatory note that he hopes that the document will be read in India as well as in England.

In the meantime, the *Daily Herald* had allowed itself to cast a fling at the Congress which was promptly answered by K. M. Munshi, Ex-Congress Minister of Bombay.

Attempts were still being made in India for a better understanding and particular attention may be drawn to the Conference held in Allahabad presided over by Dr. Sapru about the middle of December, and the *New Statesman* asks in despair, " What will the Government do now ? "

The year 1942 closed with the clouds in the Indian political horizon no less dense than during the previous five months. On the contrary, there were little outbursts here and there which forebode evil and caused some trepidation even in quarters otherwise given to a certain self-complacency. The extension of the Viceroy's term, the stone-walling speeches of Messrs. Churchill and Amery in Parliament, the refusal of permission to Shri C. Rajagopalachari to see Gandhi in Poona, the appointment of an Englishman as Federal Chief Justice in defiance of Indian public opinion—all only tended to emphasise, (in the view of even so sedate a paper as the *News Chronicle*), " the attitude that, being disappointed in the rejection by India of their solitary conciliatory (Cripps') gesture, Government did not care to make any further constructive effort." " Meanwhile, there is little to be learnt," says the paper, " of what is actually happening in India. We can only be sure that the position is drifting."

Individual scholars and savants were not, however, wanting who placed their faith in Gandhi as " the one man who can transform the Indian situation." Prof. Wood follows up these words of his with the observation : " When his friends and admirers appeal to the Indian Government to make further approach to Mahatma Gandhi they show that they are impressed by his moral prestige and are unconcerned to maintain his reputation..... " It is precisely because I recognise in Gandhiji a leader of unusual spiritual and moral greatness that I am convinced that a move to end the present impasse in India should come from him. One man who can transform the situation in India undoubtedly is Mahatma Gandhi."

Amongst the events that are sacred to the Congress in a new year is first the observance of the Independence Day and it was duly observed in London in 1943 as in previous years at the Swarajya House on the 26th January under the Chairmanship of Dr. S. B. Warden and two days later Mr. Amery was asked in the Commons by the Labourite Mr. Sorensen to raise the ban

on contact between non-Congress representatives and Congress leaders to enable them to discuss possible political developments."

One interesting make-show of British policy was that as in World War I, so in this World War II, two representatives from India were taken on to the War Cabinet in England. They were Sir Ramaswami Mudaliar—a Member of the Viceroy's Executive Council in India and H. H. the Jam Saheb of Jamnagar.

During their stay in England which was all too short, for the latter returned in January '43, they were busy visiting various Industrial institutions and War centres. Before their departure it was understood that Sir Ramaswami Mudaliar would work for the resolving of the deadlock and naturally any work he might have done in England was not known to the public in India. The Jam Saheb, however, as soon as he had gone to London, made a speech supporting the complete Indianization of the Viceroy's Executive Council. Apparently he found he was striking his head against a stone wall. On his return to India as the result of his uncle's death, he held a Press conference on February 8, 1942 at New Delhi and he made it clear that political or constitutional questions were naturally not discussed at the meetings of the War Cabinet which was concerned only with the immediate task of winning the war.

February became a month of sensation as well as anxiety all the world over. Gandhi began his fast unto capacity on the 10th of the month and after 3 weeks of anxiety emerged from it successfully on the 3rd March. The reactions to the Fast in Britain and the rest of the world are dealt with in detail in the chapter on the Fast.

There was thus a lull for a month, broken only by the publication in India early in February 22nd, 1943 of the booklet on disorders in India followed a few weeks later by the publication of a White Paper on "Congress Party's Responsibility for the Disturbances in India." The publication was from the Government's standpoint well-timed, being meant to reach members of Parliament on the eve of the India debate in April and prime them up for the occasion.

Here is a summary of the "Congress Responsibility for Disorders" being the India Government's statement published as a White Paper in London:

The Government of India today set out its case against Mr. Gandhi and the Congress Party in a 50,000 word document which makes this charge: "The only explanation that fits all known and established facts is that the Congress produced and to the best of its ability directed widespread disorders amounting in some areas to nothing short of open rebellion which followed the arrests of Aug. 9."

The document, which is issued in London as a White Paper, takes up the story from April 9, 1942, when Mr. Gandhi first publicly called upon Britain to withdraw from India, and suggests that from then until the meeting of the All-India Congress Committee in Bombay on Aug. 7, the Congress High Command and, in the later stages, the Congress organization as a whole, were, "deliberately setting the stage for a mass movement designed to free India finally from British Rule."

Claiming that Mr. Gandhi, the fountain head of non-violence, knew perfectly well that the Indian masses were incapable of non-violence, the White Paper says: "Every reference to non-violence in forecasts of the forms the movement would take made by Mr. Gandhi and his Congress disciples and in post-arrest programmes and instructions is nothing more than a pious hope or, at best, a mild warning which was known to have no practical value.

" In May, Mr. Gandhi wrote : ' The presence of the British in India is an invitation to Japan to invade India ; their withdrawal removes the bait.' Later, he admitted the possibility that Japan might invade India despite the withdrawal of the British and the Congress agreed to the stationing of Allied troops in India to ward off Japanese attaek.

" *Two basic motives* emerge as the foundations of Mr. Gandhi's proposals. The first is the desire to free India finally from British domination ; the Seeond is the desire to avoid at all eosts India beeoming a theatre of active warfare and battlefield between Britain and Japan. Mr. Gandhi did not believe that non-violence alone was eapable of defending India against Japan. Nor had he any faith in the ability of the Allies to do so. Even if it eould be supposed that Mr. Gandhi and the Congress proposed to pin their faith on the ability of the Allied troops to defend India, it should be noted that the former himself admitted that the ability of the Allied troops to operate effectively would depend upon the formation of a suitable provisional Government."

This Government would itself be dominated by " the elique already shown to be thoroughly defeatist in outlook and whose leader had already expressed the intention of negotiating with Japan."

Diseussing the Congress leaders' proelaimed aims the White Paper asks : " Can it be denied that these men saw their opportunity in Britain's danger and believed that the psyehological moment for the enforeement of their politieal demands must be seized while the fate of the United Nations hung in the balanee and before the tide of war turned—if it was ever going to turn—in their favour ? "

The doeument quotes liberally from Mr. Gandhi's writings and speeehes to show that by July he was fully determined upon the final struggle. It quotes his words : " There is no room left for withdrawal or negotiation. There is no question of one more ehanee. After all it is an open rebellion." The movement eontemplated by Mr. Gandhi was to be " a struggle, a fight to the finish in which foreign domination must be ended, cost what it may ; it was to be an unarmed revolt, short, swift and sure, to plunge the country into a conflagration " in whieh Mr. Gandhi was prepared to risk the oeeurrenee of riots, in which he was prepared to go to the extremist limit including, if necessary, the calling of a general strike.

The White Paper goes on : " The struggle was to inelude everything that a non-violenet mass movement could do, ineluding strikes and stoppages of railways and possibly interferenee with British troops' movements, and full use was to be made of the existing grievanees against the British." On the morning of Aug. 9, Mr. Gandhi and other Congress leaders were arrested in Bombay and simultaneously throughout the eountry a round-up of important Congressmen took place. " The total number of arrests probably did not exceed a few hundreds. In view of the efforts sinee made to attribute the disturbanees to what is invariably called ' Government repression ' it is important to note that this was probably the only oecasion throughout the rebellion on which the Government took the first step.

Pointing out that the disturbances started almost simultaneously in widely separated areas in the Provinces of Madras, Bombay and Bihar and in the Central and United Provinees, the document says : ' The damage done was so extensive as to make it incredible that it eould have been perpetrated on the spur of the moment without speeial implements and previous preparation : and in many instances the manner in which it was done displayed a great deal of technical knowledge. Bloek instruments and control rooms in railway stations were singled out for destruction and the same technical skill

appeared over and over again both in the selection of objects for attack and in the manner in which it was carried out. It was indeed significant that the area in which the disturbances took the most serious form were also areas of greatest strategic importance. Not only did they contain the centre of India's coal supplies, stoppage of which would have paralyzed all transport trade and industry but also they lay immediately behind those parts of India which were most obviously exposed to enemy attack. They could not have been better selected if the object was to dislocate communications of the defending forces on the east coast of India. On the other hand Assam, Orissa, the Punjab and the N. W. F. Provinces remained free from serious trouble throughout the first week of the arrests and there was comparatively little disorder in Sind.

" In all affected Provinces, students, invariably Hindu students, were in the forefront of the initial disorders. Everywhere the Congress creed of non-violence was ignored and mobs were recklessly incited to extremes of fury. It was from these mobs that provocation came and most certainly not from the Government forces. They had to open fire no doubt but in many cases they did so in sheer self-defence. Speaking generally, however, what might be called ordinary manifestations of mob violence were by comparison and to begin with unremarkable—there were no communal clashes—and the whole picture was much more one of calculated venom directed against selected objectives than of an indignant people hitting out indiscriminately at the nearest object in blind resentment at the arrest of their leaders.

" The Muslims took practically no part in the disturbance, and labour, although in some cases unable to resist the temptation to suspend work and in other cases succumbing to open political pressure to do so, behaved as a whole with commendable restraint.

" With the close of the first phase of violent mass disorders 3 new tendencies became apparent. In the first place, signs appeared of an orthodox 'non-violenct' Civil Disobedience movement. Secondly, there was the development of serious crimes. The third and most important development was the drift towrds terrorism. Cases of arson, sabotage and of murderous assault on public servants continued. Bombs made their appearance in Bombay, the C. P. and the U. P. They were at first crude and ineffective but technical improvement was rapid and by the 12th week of the movement bombs and other explosive mechanisms, some of a highly dangerous type, were in use on a fairly extensive scale, particularly in Bombay Province."

By the end of November the public " were becoming more and more disgusted with the Congress and its programmes " and the Congress organization by now entirely underground had been further weakened by continued and successful police pressure. Leaders of the Congress Socialist Party, the document says, played an important part in the direction of the movement " which was by now indistinguishable from an underground revolutionary movement with all the trappings of terrorism, political dacoities, sabotage, unscrupulous opportunism and complete disregard of the safety and welfare of the general public."

The document cites cases of mob violence and quotes from Congress bulletins and other leaflets. One underground leaflet from Delhi is quoted as saying : " Food riots, strikes and agitation among the military and the police all on a mass scale should culminate in the supreme movement when the usurpers Lord Linlithgow and Sir A. Wavell are prisoners and the Indian republic is proclaimed."

The document says that it does not purport to disclose all information in the possession of the Government, there being a large volume of evidence which it is undesirable to publish at present.

The one-sided narrative in the White Paper was aptly described by the *Manchester Guardian* as the speech for the Prosecution :

> " The White Paper does not touch the problem which, when all is said and done, confronts us in India. We find a large part of the country in sympathy with this ' Open Rebellion ' campaign and we have thousands of malcontents in prison. We cannot satisfy the Nationalist demand by an indefinite repressive policy, however serious the offences that are punished. Someday we have to talk, negotiate and construct a political settlement."

The *Daily Herald* says : " Mr. Gandhi has blundered. That is still our view. But if we condemn Mr. Gandhi, that does not mean that we approve the self-righteous outlook of the Government of India or of the India Office."

The *New Statesman and Natoin* in an editorial says that the Government of India has done a questionable thing in publishing the White Paper which from first to last is a personal indictment on Mr. Gandhi and it is a propaganda document.

The rest of the British Press including the *Times* was clearly hostile both to the Congress and to Gandhi. The time chosen for the publication of " Congress Responsibility for Disorders " synchronised with the day on which Gandhi's life was hanging in the balance during his 21 day Fast and exactly a month later the White Paper was published. It frustrated all attempts such as they were, that were being made for a settlement for the non-party leaders who had met in Bombay a fortnight previous to the publication of the White Paper, and had made some progress in that they were promised an interview with the Viceroy and were asked to submit a memorandum of their arguments they would advance. The former was calculated to have the effect of choking off betimes all sympathy for Gandhi when there was a widespread demand for his release. A Congressman's answer to the White Paper might be considered biassed. Here is the 'Political Comment' in the *Statesman* by "our Indian observer" which may be considered more impartial."

> " The White Paper on India issued in London is untimely. It has been released there at a moment when opinion outside the prisons favoured, even prayed for, a Congress-Government reconciliation, while those who had met the Mahatma reported that he too would prefer examining the situation *de novo* and that his efforts would be for peace not strife."

The long-expected, the long-prepared for debate in Parliament was to come off on the 30th March. Mr. Amery was to deliver his attack in the Commons and this time young Lord Munster was to take the place of Lord Devonshire in the Lords as Under Secretary for India. On the eve of such a momentous session when the Indian policy would come up for review whether for revision or not, salutary advice was tendered to Mr. Amery and in a leader on Mr. Amery's forthcoming address to the House of Commons, the *Daily Herald* says : " We are accustomed to reading impressive figures about India's war manufacturers and about her two million volunteers who have joined the forces. But we still fail to establish a satisfactory link through any representative body of Indian political leaders with the 350 millions who are India's population.

Parliament met on March 30th to discuss the Indian situation once again. The resolutions before the House concerned only six provinces out of eleven

of India, the continued application to which of Section 93 of the Government of India Act (1935) was to be subjected to periodical review by Parliament. Three years and a half rolled by since Congress Ministries had thrown up their responsibility in October 1939 and the consequent emergency provisions had to be re-examined in their applicability to such provinces. Self-Government was resumed in two (Orissa and Assam) out of the 8 provinces where the Congress had originally ordered out the ministries (Madras, Bombay, Central Provinces, Behar, North West Frontier, United Provinces, Orissa and Assam) and only six remained to continue under Section 93. How ministries in those two provinces were formed is dealt with in a later chapter. Mr. Amery reviewed the progress of elections in 1937 and stated how the Congress won 711 seats, not a majority, but enough to give the Congress absolute majority in 5 provinces and control in 3 others. He recalled how a denuded Central Legislature and how the Provincial Legislatures of Bengal, Punjab and Sindh, as well as how the Hindu Maha Sabha and the Liberal Parties and the Princes accepted a declaration of duty to King and Country and argued that "these facts were a conclusive answer to the untruthful legend of a reluctant India dragged into a war in which she had no voice." But Mr. Amery forgets that the eight provinces that stood out from the ministries as well as the Indian National Congress (which he himself describes as "by far the largest, best financed and most rigidly drilled party organization in India) and the Muslim League had decided not to co-operate in the war effort and surely they count for much more in a comparison between the two groups. Mr. Amery proceeds to praise the Viceroy's Cabinet, the Indian members thereof to whom "not only India but the whole allied cause owed a deep debt of gratitude for their swift and resolute decision to arrest the organizers of mischief" and regretted that three of the members of the Viceroy's Executive Council "had allowed themselves to be swayed by the emotional crisis of Mr. Gandhi's fast." He anticipated the Viceroy's answer to the "forthcoming Non-Party Deputation to the Viceroy" and stated that "the reckless and defeatist action of last year made it difficult, indeed, dangerous to consider any concessions for Mr. Gandhi in the absence of the 'most explicit assurances and effective guarantees of a complete change of attitude amongst those who have brought so much unhappiness in India and might still endanger the entire Allied cause in those future operations which must be based on India."

Speaking of a way out of the deadlock Mr. Amery suggested that "some form of constitution other than the British which could only suit a homogeneous country, should be explored such as that of Switzerland where its three races live in happy unity." In other words, he plumps for fixed Executive.

It is surprising that Mr. Amery should repeat an imputation made to Gandhi that he had characterized the Cripps' proposals as "a postdated cheque on a falling bank" without pausing to verify the origin of the phrase. This phrase was coined by *Roy's Weekly* (Delhi) where it assumed the form of a postdated cheque on a crashing bank. This version spread from lip to lip and was repeated by Ministers and was copied by H. V. Alexander in his "India since Cripps" but ultimately exposed by him as wholly false. It is relevant to the issue to state that Cripps has never made the statement. Finally he dealt with his *coup d'etat*. If he compared Gandhi to Hitler in his October 1942, speech, he now refers to Gandhi again as the "Grey Eminence" of India recalling the combination in one person *Father Joseph* de Tramblay of a devout mystic with an unscrupulous political adviser who helped Cardinal Richlieu to keep Europe distracted by a generation of disastrous war. If Father Joseph walked barefooted from Spain to Italy and back barefooted,

there may be a distant analogy between the two great men, but there it ceases, for if the one played the part of an unscrupulous political adviser, the other has been uniformly admired by friend and foe for his unfailing veracity, integrity and probity of character. *

Mr. Amery concludes his speech with an indirect demonstration of Congress guilt and responsibility for disorders by stating :

> " If there are members who having studied the White Paper, can still believe that a really non-violent movement of national protest was all that was ever intended or that Mr. Gandhi cannot have any illusions as to the nature of the conflagration which he was determined to spread all over India, I have really nothing to say to them nor is there anyhting I can say to those who are still prepared to argue that a concentrated and skilled attack upon vital sectors of strategical communications and upon all Government buildings associated as they were both physically and in public estimate with the Congress Party, were merely a spontaneous manifestation of public indignation at the arrest of popular political leaders."

May not the answer to this charge be given by the counter-statement that the anti-Britisher feeling in India is so widespread and so deep-rooted (as might be evidenced by the decision of eight provinces out of eleven and two biggest political organizations (*vide supra*) to non-co-operate with war effort) that on the arrest of Gandhi and his colleagues a spontaneous outburst of that feeling exhibited itself everywhere and assumed the wildest and most lamentable forms on occasions. Truth is one-edged and single-pointed, while its counterfeit is double-edged and cuts both ways.

Though in the exigencies of war, the White Paper was enough to silence a volume of criticism, yet there were not wanting critics in Parliament and the Press who could not help saying that it carried no conviction about the guilt of Gandhi and in any case, it was an incomplete and infructuous document in that it embodied no constructive proposals to resolve the Indian deadlock, the solution of which, not its origin was really what mattered to the Allied nations in their pursuit of victory.

The *Manchester Guardian* wrote on 2nd April .

> " A reaffirmation of the Cripps' plan is not enough because the Cripps' proposal has for the time being, failed and there exists a new situation with which, as realists, we have to deal.

The *Daily Herald* deplored the attitude of Mr. Amery and wrote :

> " Mr. Amery's speech yesterday was a wearisome repetition of several statements which he has made within the past three years. Instead of dilating at length on these time-worn themes, Mr. Amery, we suggest, should simply announce to the House : ' My policy continues to be founded on the philosophies of Dr. Doolittle and Dr. Barnado.' "

Mr. Attlee, Deputy Prime Minister, concluded the debate saying : " I believe that men like *Gokhale*, Rajagopalachari, Nehru, Jinnah and others who are real democrats could bring about such a return." Here the reference to *Gokhale*, who passed away on Feb. 19, 1915 only indicates the knowledge possessed by the Deputy Prime Minister of the British Empire, on the political situation in India !

Now we may appropriately turn our attention to the debate in the Lords opened by the Earl of Munster, a new comer to the field of Indian politics whose *maiden* speech, however, on the debate on the Indian situation compares favourably even with the *matron* speech of a peer like Lord Snell

* This comparison of Gandhi to Father Joseph is dealt with at some length in the section dealing with the deadlock.

who replied to the debate. The noble Lord repeats the ready-made propositions placed before him and speaks of "agreement among all the main elements of the Indian population." It was as if His Lordship was making out a case for Hitler to keep France under his heels for all time.

The debate that followed in the Lords was more interesting though not more helpful and two of the speeches are given below in some detail. Lord Faringdon (Labour) speaking in the House of Lords during India debate said that there was basis for agreement with the Congress leaders, many of whose aims were the same as the British Government's. He denied that Mr. Gandhi is a dictator or the Congress a totalitarian body. He criticised the Viceroy's refusal to allow Mr. Rajagopalachari and other Indian leaders to see Mr. Gandhi. He suggested the British Government should invite leaders of all parties to meet in London 'to see whether something cannot be hammered out.' "The cooperation of Allied Governments should be obtained if possible."

Lord Samuel said, "When democratic assemblies were elected under the provisions of the Government of India Act with Governments responsible to them, we, the Liberal Party, regarded the fact with the greatest satisfaction. We looked upon it as triumph for constitutional democracy by far the greatest that had come about in any oriental country. When I visited India I formed a very bear opinion that the provincial constitutions were working with remarkable success."

Gandhiji wrote a letter on May 19, 1943, to Lord Samuel, in reply to his speech to the Lords on April 6, 1943. The letter, which was not forwarded by the authorities to the addressee, runs as follows :—

I enclose herewith a cutting from *The Hindu* dated the 8th April last, containing *Reuter's* summary of your speech in the House of Lords, during the recent debate. Assuming the correctness of the summary, I feel impelled to write this letter.

The report distressed me. I was wholly unprepared for your unqualified association with the one-sided and unjustified statement of the Government of India against the Congress and me.

You are a philosopher and a Liberal. A philosophic mind has always meant for me a detached mind, and liberalism a sympathetic understanding of men and things.

As it seems to me, there is nothing in what the Government has said to warrant the conclusions to which you are reported to have come.

From the summary I select a few of the items which, in my opinion, are inconsistent with facts.

1. "The Congress Party has to a great extent thrown over democratic philosophy."

The Congress Party has never "thrown over democratic philosophy". Its career has been one progressive march towards democracy. Every one who subscribes to the attainment of the goal of Independence through peaceful and legitimate means and pays four annas per year can become its member.

2. "It shows signs of turning towards totalitarianism."

You have based your charge on the fact that the Working Committee of the Congress had control over the late Congress Ministeries. Does not the successful party in the House of Commons do likewise? I am afraid even when democracy has come to full maturity, the parties will be running elections and their managing committees will be controlling the actions and policies of their members. Individual Congressmen did not run elections independently of the party machinery. Candidates were officially chosen and they were helped by all-India Leaders.

"Totalitarian," according to the Oxford Pocket Dictionary means, "designating a party that permits no rival loyalties or parties." "Totalitarian State" means "with only one governing party." It must have violence for its sanction for keeping control. A Congress member, on the contrary, enjoys the same freedom as the Congress President, or any other member of the Working Committee. There are parties within the Congress itself. Above all the Congress eschews violence. Members render voluntary obedience. The All-India Congress Committee can at any moment unseat the members of the Working Committee and elect others.

3. "They (Congress Ministers) resigned (not ?) because they had not the support of their Assemblies. They resigned because while *de jure* they were responsible to their electorates *de facto* they were responsible to the Working Committee of the Congress and the High Command. That is not democracy. That is totalitarianism."

You would not have said this, if you had known the full facts. The *de jure* responsibility of the Ministers to the electorate was not diminished in any way by their *de facto* responsibility to the Congress Working Committee for the very simple and valid reason that the Working Committee derives its power and prestige from the very electorate to whom the Ministers were responsible. The prestige that the Congress enjoys is due solely to its service of the people. As a matter of fact the Ministers conferred with the members of their parties in their respective assemblies and they tendered their resignations with their approval.

But totalitarianism is fully represented by the Government, of India which is responsible to no one in India. It is a tragic irony that a Government which is steeped in totalitarianism brings that very charge against the most democratic body in India.

4. "India is unhappy in that the line of party division is the worst any country can have.....it is division according to religious communities."

Political parties in India are not divided according to religious communities. From its very commencement the Congress has deliberately remained a purely political organisation. It has had Britishers and Indians, including Christians, Parsis, Muslims and Hindus as Presidents. The Liberal Party of India is another political organisation, not to mention others that are wholly non-sectarian.

That there are also communal organisations based on ..... religion and they take part in politics, is undoubtedly true. But that fact cannot sustain the categorical statement made by you. I do not wish in any way to minimise the importance of these organisations or the considerable part they play in the politics of the country. But I do assert that they do not represent the political mind of India. It can be shown that historically the politico-religious organisations are the result of the deliberate application by the Government of the 'divide and rule policy.' When the British Imperial influence is totally withdrawn, India will probably be represented solely by political parties drawn from all classes and creeds.

5. "The Congress can claim at best barely more than half the population of India. Yet in their totalitarian spirit they claim to speak for the whole."

If you measure the representative character of the Congress by the number of members on the official roll, then it does not represent even half the population. The official membership is infinitesimal compared to India's vast population of nearly four hundred millions. The enrolled membership began only in 1920. Before that the Congress was represented by its All-India Congress Committee whose members were mainly elected by various political associations.

Nevertheless the Congress has so far as I know, always claimed to speak the mind of India, not even excluding the Princes. A country under alien subjection can only have one political goal, namely, its freedom from that subjection. And considering that the Congress has always and predominantly exhibited that spirit of freedom, its claim to represent the whole of India can hardly be denied. That some parties repudiate the Congress does not derogate from the claim in the sense in which it has been advanced.

6. "When Mr. Gandhi called upon the British Government to quit India, he said it would be for the Congress to take delivery."

I never said that when the British quitted India, "the Congress would take delivery". This is that I said in my letter to H. E. the Viceroy dated 29th February last.

"The Government have evidently ignored or overlooked the very material fact that the Congress by its August Resolution asked nothing for itself. All its demands were for the whole people. As you should be aware the Congress was willing and prepared for the Government inviting Quaid-I-Azam Jinnah to form a National Government subject to such agreed adjustments as may be necessary for the duration of the war, such Government being responsible to a duly elected Assembly. Being isolated from the Working Committee except Shrimati Sarojini Devi I do not know its present mind. But the Committee is not likely to have changed its mind."

7. "If this country or Canada, Australia, New Zealand or South Africa or the United States had abstained from action as the Congress in India abstained.....then perhaps the cause of freedom everywhere would have gone under.....It is a pity that the leaders of the Congress do not realise that glory is not to be won in India by abandoning the cause of mankind."

How can you compare India with Canada and other Dominions which are virtually independent entities, let alone Great Britain or the United States wholly independent countries? Has India a spark of the freedom of the type enjoyed by the countries named by you?

India has yet to attain her freedom. Supposing the Allied powers were to lose, and supposing further that the Allied forces were to withdraw from India under military necessity which I do not expect, the countries you name may lose their independence. But unhappy India will be obliged to change masters, if she is even then in her defenceless state.

Neither Congress, nor any other organisation, can possibly kindle mass enthusiasm for the Allied cause without the present possession of Independence, to use your own expression either *de jure* or *de facto*. Mere promise of future independence cannot work that miracle.

The cry of "Quit India" has arisen from a realisation of the fact that if India is to shoulder the burden of representing, or fighting for the cause of mankind, she must have the glow of freedom now. Has a freezing man ever been warmed by the promise of the warmth of sunshine coming at some future date?

The great pity is that the ruling power distrusts everything that the Congress does or says under my influence which it has suddenly discovered is wholly evil. It is necessary for a clear understanding that you should know my connection with the Congress and Congressmen. It was in 1935 that I was successful in my attempt to sever all formal connection with the Congress.

There was no coolness between the Congress Working Committee members and myself. But I realised that I was cramped and so were the members, whilst I was officially connected with the Congress. The growing restraints which my conception of non-violence required from time to time, were proving too hard to bear. I felt, therefore, that my influence should be strictly moral.

I had no political ambition. My politics were subservient to the demands of Truth and Non-violence, as I had defined and practised for practically the whole of my life. And so I was permitted by the fellow members to sever the official connection even to the extent of giving up the four anna membership. It was understood between us that I should attend the meetings of the Working Committee only when the members required my presence for consultation in matters involving the application of Non-violence or affecting communal unity.

Since that time, I have been wholly unconnected with the routine work of the Congress. Many meetings of the Working Committee have, therefore, taken place without me. Their proceedings I have seen only when they have been published in the newspapers. The members of the Working Committee are independent-minded men. They engage me often in prolonged discussions before they accept my advice on the interpretation of Non-violence as applied to problems arising from new situations.

It will be, therefore, unjust to them and to me to say that I exercise any influence over them beyond what reason commands. The public know how, even until quite recently, the majority of the members of the Working Committee have on several occasions rejected my advice.

8. "They have not merely abstained from action, but the Congress has deliberately proclaimed the formula that it is wrong to help the British war effort by men or money and the only worthy effort is to resist all war with non-violent resistance. In the name of Non-violence they have led a movement which was characterised in many places by the utmost violence and the White Paper gives clear proof of the complicity of the Indian Congress leaders in the disorders."

This charge shows to what extent the British public has been misled by imaginary stories, as in the Government of India publication statements have been torn from their context and put together as if they were made at one time or in the same context.

The Congress is committed to Non-violence so far as the attainment of freedom is concerned. And to that end the Congress has been struggling all these twenty years, however imperfectly it may be, to express Non-violence in action, and I think it has succeeded to a great extent. But it has never made any pretence of war resistance through Non-violence. Could it have made that claim and lived up to it, the face of India would have been changed and the world would have witnessed the miracle of organised violence being successfully met by organised Non-violence.

But human nature has nowhere risen to the full height which full Non-violence demands. The disturbances that took place after the 8th August were not due to any action on the part of the Congress. They were due entirely to the inflamatory action of the Government in arresting Congress leaders throughout India and that at a time which was psychologically wholly wrong. The utmost that can be said is that Congressmen or others had not risen high enough in Non-violence to be proof against all provocation.

It surprises me that although you have admitted that "this White Paper may be good journalism but it is not so good as a State document," you have based your sweeping judgment on the strength of that paper. If you would read the very speeches to which the paper makes reference, you will find there ample material to show that the Government of India had not the slightest justification in making those unfortunate arrests on August 9th last and after, or in making the charges they have brought against the arrested leaders after their incarceration—charges which have never been sifted in any court of law.

9. " Mr. Gandhi faced us with an utterly illegitimate method of political controversy, levying blackmail on the best of human emotions, pity and sympathy, by his fast. The only creditable thing to Mr. Gandhi about the fast was his ending it."

You have used a strong word to characterise my fast. H. E. the Viceroy has also allowed himself to use the same word. You have perhaps the excuse of ignorance. He had no such excuse for he had my letters before him.

All I can tell you is that fasting is an integral part of Satyagraha. It is a Satyagrahi's ultimate weapon. Why should it be blackmail when man, under a sense of wrong, crucifies his flesh ?

You may not know that Satyagrahi prisoners fasted in South Africa for the removal of their wrongs ; so they have done in India. One fast of mine you know, as I think you were then a Cabinet Minister, I refer to the fast which resulted in the alteration of the decision of His Majesty's Government. If the decision had stood, it would have perpetuated the curse of Untouchability. The alteration prevented the disaster.

The Government of India *communique* announcing my recent fast, issued after it had commenced, accused me of having undertaken the fast to secure my release. It was a wholly false accusation. It was based on a distortion of the letter I had written in answer to that of the Government. That letter dated the 8th February was suppressed at the time when the *communique* was issued.

If you will study the question, I refer you to the following which were published in the newspapers.

My letter to H. E. the Viceroy dated, New Year's Eve, 1942.
My letter dated, January 19, 1943.
H. E.'s reply dated, January 25, 1943.
My letter dated, January 25, 1943.
H. E.'s reply dated, February 5, 1943.
My letter dated, February 8, 1943.
Sir R. Tottenham's letter dated February 7, 1943.
My reply dated February 8, 1943.

And I do not know from where you got the impression that I ended the fast, for which supposed act you give me the credit. If you mean by it that I ended the fast before its time, I would call such an ending a discredit to me. As it was the fast ended on its due date for which I can claim no credit.

10. " He (Lord Samuel) considered that the negotiations broke down on points on which they would not have broken down had there been any real desire on the part of the Congress to come to a settlement."

The statement made by the President of the Congress, Maulana Abul Kalam Azad and Pandit Nehru, who carried on the prolonged negotiations, I venture to think make it quite clear that no true man could have shown more real or greater desire for a settlement. In this connection it is well to remember that Pandit Nehru was and I have no doubt still remains, an intimate friend of Sir Stafford Cripps at whose invitation he had come from Allahabad. He could therefore leave no stone unturned to bring the negotiations to a successful issue. The history of the failure has yet to be written ; when it is it will be found that the cause lay elsewhere than with the Congress.

I hope my letter has not wearied you. Truth has been overlaid with much untruth. If not justice to a great organisation, the cause of Truth, which is humanity, demands an impartial investigation of the present distemper.

Yours sincerely,
(Sd.) M. K. GANDHI.

The following letters passed between Gandhiji and the Government of India over the latter's refusal to forward the letter to Lord Samuel :

Home Department,
New Delhi, the 26th May, 1943.

Dear Mr. Gandhi,

I am desired to acknowledge the receipt of your letter of May 15th enclosing a letter for the Right Hon'ble Lord Samuel. I am to say that for the reasons which have been explained to you in another connection the Government of India have declared that your letter cannot be forwarded.

Yours sincerely,
(Sd.) R. TOTTENHAM.

Detention Camp,
1st June, 1943.

Dear Sir Richard Tottenham,

I have your note of the 26th ultimo conveying the Government's decision about my letter to the Rt. Hon'ble Lord Samuel. I would just like to say that the letter is not political correspondence but it is a complaint to a member of the House of Lords pointing out misrepresentations into which he has been betrayed and which do me an injustice. The Government's decision amounts to a ban on the ordinary right belonging even to a convict of correcting damaging misrepresentations made about him. Moreover, I suggest that the decision about my letter to Quaid-i-Azam Jinnah is wholly inapplicable to this letter to the Rt. Hon'ble Lord Samuel. Therefore I request reconsideration of the decision.

I am
Yours sincerely,
(Sd.) M. K. GANDHI.

Home Department,
New Delhi, 7th June 1943.

Dear Mr. Gandhi,

I am directed to acknowledge your letter to Sir Richard Tottenham dated 1st June, 1943, on the subject of Government's decision regarding your letter to Lord Samuel and to say that Government regret that they do not see their way to alter that decision.

Yours sincerely,
(Sd.) CORNAN SMITH.

## Section 93 Provinces in India

The powers of Government vested in the Governors of certain Indian provinces and in the Governor of Burma will be renewed by motions to be moved by the Secretary of State for India, Mr. Leopold Amery, in the House of Commons after Easter.

The proclamation under which Governors assumed powers of legislatures in Madras, Bombay, the United Provinces, the Central Provinces and Bihar only remain in force for a period of twelve months unless their continuance is approved by a resolution of both Houses of Parliament and the current period of twelve months expires on April 30.

A similar position exists in the case of Burma. Owing to the Japanese occupation of all except the frontier areas, it is not possible for Government

to be carried on in accordance with the Government of Burma Act of 1935. The current period of proclamation under which the Governor assumed powers by proclamation expires on June 9.

Whatever view Churchill and Amery may entertain regarding the permanency of the British Empire, opinion abroad at any rate is clear on its destiny. " Many an Empire has flourished, grown and broken up " says the New York *Daily News* in an editorial, May 2nd, 1943. " It is possible that the British Empire is now in its closing years. It is also possible that the change from coal to oil as the driving power of ships marked the beginning of the end. When coal drove the ships, Britain had strategic coaling stations throughout the world and fighting ships to keep them British. We wish the British Empire well."

Bernard Shaw when asked to give his opinion on the Indian deadlock (May 1943) stated that Gandhi should be at once released and those responsible for his arrest should apologise to him for the mental defectiveness of Cabinet. That would do what is possible to save the Indian situation."

Earlier, that is, late in December 1942 in reply to a question from the British Federal Union asking for his views on World Federation, Mr. shaw had said " World Federation is far beyond the capacity of the human race at present. The British Commonwealth could not hold its American Colonies and now cannot hold India."

## CHAPTER XVII

### Reaction in India

### (1) Government of India—Executive

In London the Indian situation was a live issue constantly brought up before Parliament now as a debate and now as a resolution or interpellation. Almost every week did India figure in the *Hansard* although the party that took interest in Indian affairs had dwindled but to three or four members and although the highest voting against Government never exceeded the phenomenal figure of seventeen out of 600 members of the House of Commons. While this is so in London, it is strange that in the Central Indian Legislature, the problem should have attracted so little attention as it did during the period that succeeded the Bombay Resolution. For one thing the Congress Party in the Central Legislature had ceased to attend its meetings from June 1939 when, contrary to earlier undertakings on the floor of the House, Indian armies had been sent abroad without the previous knowledge of the Legislature. That party leaders were informed of the decision did not answer the criticism. For the rest, the members that chose to attend and work in the Legislature belong to groups which have no definite national point at issue with Government,—groups which have formed after election rather than parties which were in existence as such before the elections in 1934. The House which should have had a three-year term from November 1934 had repeated extensions which have carried it on as more or less a moribund institution till (August) 1945 and which lost all animation and initiative after first the Congress Party and later the Muslim League Party had definitely ceased to attend the sittings. In the provinces eight out of the eleven witnessed the resignation of their ministries in the autumn of 1939 and although two of these (Orissa and Assam) later formed ministries again, such ministries, equally with those in the three provinces that remained originally unaffected (namely, Punjab, Sind and Bengal) were in office virtually in condemnation of the principles and policy of the Indian National Congress, readily and ungrudgingly making themselves the docile agents of Governors, who were the statutory subordinates of the Governor-General. In effect what with puppet ministries and what with Section 93, India became a single province under the rulership of the Central Home Member, Sir Reginald Maxwell who took orders from the Governor-General in his quintuple capacity and who initiated the programmes of action required to put down the disorders and the Congress Organization. Luckily for the Home Member, there was the Defence of India Act and the Emergency Powers Act in addition to which he promulgated a number of ordinances which had the effect of bringing under them, in the first place all public meetings and conferences, processions and parades, exhibitions and demonstrations. Then came the Press within the tight grasp of the pincers of Government. Later came the Special Courts and special penalties ranging from caning to capital punishment and finally group fines, conscripted service, commandeering of cars, busses and boats, acquisition of sites and fields, houses and halls for offices or aerodromes or camping grounds. In fact it was as if the Gods willed a feast and created in the twinkling of an eye, all the needs of the hour by merely willing them. It was a new Genesis, a new Exodus, a new Nombers, a new Leviticus, a new Deutoronomy, a new Joshuah and Judges, new Kings and Chronicles, new

Psalms and new Prophets, new Gospels and new Acts of the Apostles and finally new Epistles, and a new Revelation. Was it all a new creation from some Divine brain or was it only the apocryphal scriptures resusciated from their grave and made instinct with a new life in the valley of the shadow of Death? The reign of Law which is the boast of the British assumed a new shape and substance, for whatever was willed became Law and when recalcitrant Courts—High and Federal, would not see eye to eye with the Executive, what was declared illegal and invalid by them was within less than a week validated and made legal, operating with retrospective effect! The right of appeal against *Death* sentence was sought to be taken away and only a country-wide agitation resulted finally in the grant of Revision powers to Special Tribunals. The reaction of the Government of India forms a tale of woe distressing alike to the Magistrate and the accused, wholly confusing to the constitutional lawyers of the land and altogether perplexing to the politicians of the day.

The Government of India Resolution dated 8th August, the very day the Bombay Resolution of the Congress was passed, marks the opening of the campaign by Government if we exclude the warrants prepared for the members of the Working Committee and the provincial leaders, and the preparations made in the Ahmednagar Fort one month previously. The Press restrictions regarding the incidents relating to disorders and the place of confinement of the members of the Working Committee give a foretaste of the severity of the steps that were to follow.

The Central Legislature met just five weeks after the arrests following the Bombay Resolution, the Assembly having met on the 15th September while the Council of State met a week later. In fact, Parliament in England and the Central Legislature met almost simultaneously as if by a pre-arrangement. To be more precise, Parliament had met just on the eve of the sittings of the two Houses in India. A summary of the India Home Member's speech showed a certain balance and freedom from that extravagance and exaggeration which characterized his later speeches as well as those of the Secretary of State for India and his Under-Secretary in London.

* * * * *

"On the basis of all the information at present available, we cannot absolve the Congress from responsibility for these very grave events," declared Sir Reginald Maxwell, Home Member, in the Central Assembly moving consideration of the present situation in the country.

Sir Reginald estimated the total damage done during the disturbances so far as well over a crore of rupees and dwelt on certain special aspects of the disturbances, which, he pointed out, were inconsistent with the theory that these disturbances were spontaneous outbursts arising out of the arrests of Congress leaders. He enumerated points which in his view supplied evidence of previous organisation having the most sinister possible motives.

"To-day," the Home Member went on, "although many terrible things have happened, control has been established almost everywhere and the country as a whole is quiet; and although this suicidal movement is not yet finally quelled, we can feel some justifiable confidence in our power to deal with any situation that may yet arise.

"There are some who charge Government with overhastiness in taking action when they did. The answer is that had Government given opportunity for three or four weeks more of Congress propaganda of the kind that was then in progress, it is very doubtful if this rebellion could have been quelled without very much more destruction than has now taken place.

"What has happened is bad enough ; but delay might have meant an appalling disaster for the whole people of this country.

" There are those, again, who say that repression is not the right remedy and that in order to restore peace, steps should be taken to release all those who have been endangering the country's defences and put them in a position to conduct the further war effort of India.

"That is, I think, the underlying significance of some of the amendments that have been tabled. Well Sir, the position of this Government has been made clear in the *communique* to which I have already referred and there is little that I can add to it.

"One thing quite plain is that with an enemy at our gates and another enemy within them the prime duty of this Government is to undo the harm that has been done as soon as possible and to put this country in a state of defence against both.

" The picture which I have been compelled to place before the House is one that will give no satisfaction to thinking people or to those who are jealous of this country's honour and repute.

They will regret the orgy of destruction, the waste of Indian lives and property—things that can only bring loss and hardship to Indians themselves.

They will regret that the forces that should have been facing the enemy at our gates should have been diverted to the task of quelling an attempted internal revolution.

"They will regret that, with Indian soldiers' repute never standing higher in the world ; with victory drawing ever nearer and with it the promised fulfilment of India's highest dreams : one political party, for its own ends, should have descended to acts of sabotage as a means of enforcing its demands, regardless of the help thereby given to the enemy.

" I have before now given warning in this House of the danger of arousing the passions of the excitable masses through irresponsible agitation.

These events afford more than sufficient justification for the preventive action taken by Government in the past, for which we have often been attacked.

They show how real is the peril in this country of unleashing the forces of disorder and how quickly, when that is done, the reign of hooliganism—always latent and waiting for its opportunity—tends to establish itself, so that no man's life or property is safe.

Now that the danger has become apparent to all it is, I am sure this House will agree, not only for Government but for all who wish to save the country from very terrible danger to dedicate themselves, at whatever personal sacrifice, to the task of mobilising the active help of the people themselves in preventing further acts of violence and disorder.

It is not enough to condemn these things in the abstract : it is for every citizen to see that they do not happen."

Earlier in his speech the Home Member made following points :—

"The Muslim community and the Scheduled Castes have as a whole stood entirely aloof from the disturbances.

"One of the high-lights of the situation had been the manner in which not only the police on whom the deadliest attacks usually fell, but all ranks of Government servants—even the humblest—had in the country as a whole stood firm and done their duty in face of all attempts to subvert or terrorise them.

" We shall not forget those who have given their lives in the execution of their duty and we may well claim, that the loyalty of all classes of Govern-

ment servants has proved their faith in the administration that they have served so well." (cheers).

"Another source of encouragement had been the steadiness of the country as a whole, notwithstanding the inconvenience and loss caused to the general population by these widespread disturbances.

" What I would emphasise is that this movement cannot in any true sense be described as a people's movement. The whole thing is engineered and not spontaneous. There are already encouraging signs of a revulsion of public opinion against the madness of the past weeks and cases have come to notice in which the villagers themselves have intervened to prevent damage to public property. But until the malign influences that have been at work have been fully counteracted, the country cannot feel safe from further attempts to disturb the life of the people."

Giving figures the Home Member said : ' A very large number of policemen have been injured while 31 are reported so far to have been killed. These include a number of brutal murders, in some cases of unarmed policemen.

"In addition to the police there was a very wide use of troops, British and Indian, in aid of the civil power. In no less than sixty places, troops were called out, while on a number of occasions they stood by.

"These forces have not been used to open fire on crowds engaged in peaceful or legitimate political demonstrations. Had that been the case the word " repression " that we so often hear might have had some application. But in disorders of the kind that have occurred, the mobs or gangs of persons engaged in sabotage were in every case the aggressors.

"It has already been made clear in the Government *communique* of August 8 that the purpose of Government is preventive rather than punitive and this is the principle that has governed and will govern our action. Complaints of the use of excessive force have no real meaning in situations such as those with which the police have had to deal. It cannot be expected of a small band of police confronted by a threatening mob that they should make mathematical calculations of the precise amount of force necessary to disperse it. We have to think of men doing their duty in the face of daily and even hourly danger to their lives, men charged with responsibility for the protection of vital communications.

"Hesitation at these moments would mean that they were overwhelmed or that the mob would attain its object. Their first concern is to take effective action and it is their duty to do so.

"Cases will no doubt be quoted in which it is alleged that force was used with no such provocation. I would ask Hon'ble Members to be sure that such stories are well verified before they give currency to them. If, however, any such act has occurred anywhere it is a breach of discipline with which the Provincial Governments and the officers in command of their forces are as much concerned as any member of the public. I would, therefore, deprecate any sweeping allegations as regards the conduct of the police at a time when the whole country owes so much to their courage and steadfastness.

"The proper course in such cases will be to bring the allegations, if they are well authenticated to the notice of the authorities immediately responsible for the discipline of their forces, and it can be assumed that, if satisfied, they will do what is proper. But it is putting an entirely wrong perspective on the matter to lavish sympathy on those who have brought on themselves the consequences of their own aggression and to attempt to put the police or other Government forces on their defence whenever they have found it necessary in the circumstances of the emergency to use force in the exertion of their duty."

Replying to the question: "Who is responsible for these disorders," the Home Member said:—

"Attempts have been made and will no doubt continue to be made to exonerate the Congress leaders or to represent that recent events are not the outcome of the mass movement sanctioned by the All-India Congress Committee at Bombay. The terms of the resolution which they then passed are such that they can hardly disclaim responsibility for any events that followed it. But apart from that it is impossible to interpret the utterances of the Congress leaders themselves except on the assumption that they knew and approved of what was likely to occur."

"After referring to the *communique of the Madras Government which published the instructions issued by the Andhra Provincial Congress Committee, the Home Member said*:.. "*It may be said that there is no proof that these bulletins carry the authority of Congress or the Congress leaders, although they profess to do so.* I have, however, elsewhere brought out the point that the acts of sabotage that have occurred could not have been planned in a moment and show clear evidence of previous organisation. Whatever part the Congress leaders may have taken in the actual work of this organisation, it is impossible to believe for a moment in the light of their own utterances that they were ignorant of its existence or that their plans did not contemplate that it would be brought into play when they launched their mass movement.

"I am not at present prepared to say whence this organization drew its inspiration. It will be our business to find out more of what we do not yet know. But if any doubt remained as to the identity of Congress with these disturbances it could easily be removed by quoting the very numerous instances in which known Congressmen, particularly, in Bihar, have been observed openly inciting mobs to violence and sabotage; while many others went underground immediately after the Bombay meeting and have remained there for reasons best known to themselves. On the basis of all the information at present available, therefore, we cannot absolve the Congress from responsibility for these very grave events."

The Home Member declared that on the basis of all the information then available he could not absolve the Congress from responsibility for these grave events which occurred since the 8th of August. He estimated the total damage done during the disturbances till then as a whole at a crore of rupees and combated the view that the disturbances were spontaneous. He took pride over having restored order out of chaos. It would have been infinitely worse he said, if more time has been given to the Congress. He deeply regretted the orgy of destruction, and the waste of Indian life and property, things that could only bring loss and hardship to Indians themselves. He pointed out that the Muslim community and the Scheduled Castes had as a whole stood entirely aloof from the disturbances and rejoiced over the fact that not only the Police but also all the ranks of Government had as a whole stood firm and lent their duty in all disputes to baffle or terrorise them. Not a few gave their lives in execution of their duty. He noticed welcome signs of revulsion of public opinion against the madness of the previous weeks and cases had come to his notice in which the villagers themselves had intervened to prevent damage to public life and property. In no less than 18 places troops were called out while in a number of cases they stood by. They had not been used to fire on crowds of peaceful and legitimate political demonstrations. But any particular instance of use of excessive force he would regard as a breach of discipline over which the Provincial

Governments themselves would be as much concerned as any member of the public.

The debate was such that certain points required clearing up. It was one-sided and therefore, indecision was inevitable in that the trial so to speak before the Legislature, took place in *absentia* of the accused. The absence of the Congress members made it easy for Government to make statements which went unchallenged. For instance, there was the reference to the Madras Government's issue of a press note on 29th August, 1942 regarding what they alleged to be the Andhra Provincial Congress Committee's instructions. Here is the *Press Note* :

> " It has been stated more than once that the attacks upon Government and railway property, accompanied by arson and other violence, which have occurred in different places throughout the presidency were the work of local hooligans and could never have been sanctioned by the Congress leaders. Government have in their possession documents which prove :
>
> That the instructions issued by the Andhra Provincial Congress contained a list of methods by which the Civil Disobedience campaign was to be conducted and that this list included among other activities, cutting of telephone and telegraph wires ; removal of rails and demolition of bridges ; pulling alarm chains in trains and travelling in trains without tickets ; visiting police and other Government offices and forcing Government servants to resign their jobs ; organising hartals ; organising picketing toddy and *arrack* depots ; and impeding the war efforts of Government.
>
> That the instructions issued by the Andhra Provincial Congress Committee were prepared towards the end of July and those of the Tamil Nad Provincial Congress Committee before August 6, in both cases before the meeting of the All-India Congress Committee meeting in Bombay on August 7.
>
> Government have also seen reports of a number of speeches made by officials of Congress Committees advocating the infliction of damage on railway property, the cutting of telephone and telegraph wires, and the destruction of other Government property. From the information in their possession Government have no doubt that these instructions originated with the Congress Working Committee."

The public might well ask whether Sir Reginald Maxwell had before him the full information that Mr. Amery had a couple of days earlier than himself. If so, on emight ask whether it was fair that he should not have stated on the 15th September what Mr. Amery had thought it fair to state in his speech in the Commons published in India on the 14th September, namely : "It says that rails should not be removed and that there should be no danger to life." But even more astonishing is Sir Mahommed Oosman's charges in this behalf a week later, in spite of Amery's correction, and the most astonishing feature of the debate was that there was not one among the Honourable Members of the Upper House to put *two* and *two* together and ask why Government made it *three* and not *four*. They could have quoted Amery's aforesaid answer to Mr. Maxton and asked Sir Mahommed why he was indulging in *suppressio veri* in his statement as the Leader of the Upper House. In the Government publication, " Congress Responsibility for the Disturbances " it is stated on page 20 : ' it will suffice here to mention that although the removal of rails was in these instructions specifically forbidden, this ban was significantly raised by a written amendment imme-

diately the arrests of the leaders took place." Who raised the ban is not mentioned nor is the amending circular published in that publication.

Gandhi in his reply dated 15th July, 1943 to the Government publication "Congress Responsibility for the Disturbances" wrote :

> "61. Then comes the Andhra Circular. I must regard it as forbidden ground for me inasmuch as I knew nothing about it before my arrest. Therefore I can only comment on it with reserve. Subject to that caution I consider the document to be harmless on the whole. This is its governing clause :
>
> > 'The whole movement is based on non-violence. No act which contravenes these instructions should ever be undertaken. All acts of disobedience committed should be overt never covert (open but not under cover).'
>
> "The Parenthesis is in the original. The following warning is also embodied in the circular :
>
> "Ninety-nine chances out of hundred chances are for the inauguration of this movement by Mahatmaji at an early date, possibly a few hours after the next All India Congress Committee meeting at Bombay. The D.C.C.s should be alert and begin to act immediately, but please also take note that no movement should be launched or any overt act done till Mahatmaji decides. After all he may decide otherwise and you will be responsible for a great unwarranted mistake. Be ready, organize at once, be alert, but by no means act."
>
> As to the body of the circular, I could not make myself responsible for some of the items. But I must refuse to judge a thing which I cannot correct, especially in the absence of what the Committee has to say on them, assuming of course that the circular is an authentic document. I miss in the indictment the text of the alleged "written amendment" "raising" the ban on the removal of rails."

Another equally interesting and no less inexcusable statement made by Sir Muhammad Usman was in regard to Shri Sankerarao Deo's speech at Marol which was based upon a wholly incorrect and preverse version supplied to him :

> "Mr. Shankarrao Deo, a member of the Congress Working Committee, who has been arrested and is now detained speaking at Marol and Ghatlkopar in the Bombay Suburban District on the 26th and 29th of July said that he thought the entry of Japan into the war should be an encouragement to Indians, who should and did, derive pleasure from the successes of the Germans."

Many leading Congress workers of the Bombay Suburban District contradicted the Government version and these contradictions were published in the *Bombay Chronicle* then and there. We quote below the comment of a notable Daily on the debate in question :—

> "Those Members of the Executive Council, who villified the Congress and held it responsible for all the present outbursts of violence, knew well they were immune from effective counter-attacks. They knew also that they were constitutionally irresponsible. Else they would have displayed more restraint and a greater sense of responsibility. Aghast at the consequences of repression, which Mr. K. C. Neogy said was "reminiscent of some of the brutalities ascribed to the Axis Powers," these members sought to escape responsibility by shifting it on to the Congress.
>
> Sir Sultan Ahmed, who dwelt at great length on this point went so far as to say that they "were aware of the preparations that were

being made in the name or on behalf of the Congress for the various acts of sabotage." We are confident this is a reckless, baseless charge. If the material on which it is based was enough to incriminate the Congress. Government would have long ago published it or prosecuted the leaders concerned in a Court of Law. As a matter of fact when they did make use of their material in the case against Mr. Devadas Gandhi the trying Magistrate dismissed it as utterly inconclusive. " No one can say for certainty," he said, " as to what programme of action Mr. Gandhi intended to put forward. Without knowing what this mass movement was to be, it is difficult to say whether the demonstrations and acts or violence which followed the arrest of the leaders were a part of the contemplated mass movement." As regards Sir Sultan's plea that the correctness of Government's view is proved " by the events that have happened," he is only begging the question or merely repeating his charge. Mr. Amery also committed the same mistake when he said that, though he was absent from Delhi when Government decided to arrest the Congress leaders, he realized the wisdom of that decision when he saw with his own eyes the work of riotous mobs. He quietly ignores the possibility of the Non-violence being due to or aggravated by indiscriminate repression. Violent unpremeditated riots prompted by a feeling of vengeance are nothing new in india. It is dangerous to make them a justification of suspicion without any conclusive independent evidence."

It is worthwhile noting what kind of impression the debate and the personnel of the Executive at the Centre made upon the public. Sir Chimanlal Setalvad is not only a distinguished public man who had held high office as member of the Bombay Executive Council, but is, as a Liberal, the most moderate of moderates in India and one who never spared the Congress for a moment. His opinion as stated on September 25th on the situation is given below :

" Some utterances of some of the members of the expanded Executive Council of the Governor-General make very sorry reading. Sir Mahomed Usman when he was asked whether the Government proposed to open negotiations for the formation of a provisional government at the centre, is reported to have said that that was a matter primarily for the Governor-General and His Majesty's Government."

Throughout this period India remained the scene of action of Government, rather than the forum for any speeches by Government's representatives. Amongst the high dignitaries the Viceroy did not speak till the middle of December ('42) and the Governors spoke very little occasionaly. Outside the pale of these Provincial Satraps, two military officers spoke both in September '42. The first was Lt. General N. M. S. Irwin, Commanding the Eastern Army who broadcasting to his troops of the Eastern Army from Calcutta, said that " there is nothing ahead of us in India which need shake our confidence in the future."

One cannot help feeling the exaggerated sense of self-importance, the sense of unreality in speaking of " saving India for herself as part of our job" and the sense of undue self-confidence in giving a *carte blanch* to his troops " provided always your action is strong enough for the occasion." In a word we have a miniature edition of General Dyer in Lt. General Irwin. General Sir Archibald Wavell, then Commander in Chief in India, was however more subdued and sedate. Speaking at a dinner given in his honour in New Delhi by British and American correspondents on the morrow of the Lt. General's broadcast, he was content to say amongst other things :

"I am satisfied with the situation here, though the disturbances while they lasted had a certain effect on the war effort but the important thing is that 70,000 recruits continue to come in every month and there has been no sign whatever of trouble in the army."

Now we may pause for a moment to recall the speeches of the Governors of Provinces. In their tours for collections and inspection, they made numerous speeches in which they did not hesitate to emphasise Congress responsibility for the disorders. But the Governor of U. P. amongst them all, was most pronounced and aggressive in his views even as he was relentless in his administration. Addressing a Police parade at Cawnpore, the U. P. Governor said: "The police force of this province has already done extremely well; I will support them as far as I can, but want the public also to support them and to co-operate with them in defeating the movement, inaugurated by the Congress, which if it were to succeed, would be disastrous." And addressing later the officers and men of the Benares District police and Civic Guards at a parade held in Benares on the 24th January, 1943 the U. P. Governor made a reference to his anxiety over the Benares University and said: "The phase of open violence has long since ceased..... I was very anxious regarding the position of the University which threatened at one time to become the focus of the rebellion..... I am most grateful for the help which the University authorities have given to us in re-establishing and maintaining discipline in the University."

The Governor of Bihar had something curious to say. Sir T. G. Rutherford succeeded to the Governorate of Bihar sometime in April 1943 and his predecessor, it was widely believed, did not satisfy his superiors in the task of repression in his Province. The new Governor began by lifting the ban on the *Seacrhlight*, the Bihar Daily and cancelling the security of another newspaper. He released some seventeen detenus in accordance with Sir Maurice Gwyer's judgment calling in question the validity of Rule 26 of the D. I. Rules. While blaming the Congress and Bihar for the disturbances, the Governor made a significant statement on March 31, 1943, presiding over the Bihar Provincial War Committee: "The Disturbances of August last had shown that Bihar has not been lacking in young men with the spirit of Attack. What was required was to harness that spirit and direct it into proper channels." The statement would be wholly true and apply equally to the rest of India.

It is noteworthy that while there was so much of debating and interpellation in Parliament calling forth pronouncements from the Secretary of State and his Under Secretary, the Viceroy spoke so little and was hardly in public view so far as the disorders were concerned, until he made his annual speech at the Federated Chamber of Commerce on December 17, 1942. It almost looked as if he had given up the practice of addressing joint sessions of the Central Legislature. In his lengthy speech before the Federation, the Viceroy made a survey of the political, industrial and war situation, narrated the history of his own efforts without result to bring about an understanding between the various groups and parties in India, and undertook during the ten months' extension of his term of office, to make further endeavours in that behalf to the best of his ability. If Britain stands committed, as the Viceroy claims, to relinquishing her authority to some one after the war, it must be to somebody constituted as the result of agreement. Does it mean that in case no such agreement was reached, no such transfer would take place and Britain's rule would continue for ever? If on the contrary, Britain was serious about the transfer of power, she had only to *declare* the fact, and all the conflicting parties and groups would fall into line. The unity of which

the Viceroy spoke is not merely a geographical unity or historical identity but a psychological unity of aim and purpose, of method and direction. It, therefore, requires an objective. Forty crores of people cannot march in unison to reach an undefined or intangible objective. But make the destination clear, divest yourself of power and invest it in those to whom it must descend and on whom it must devolve, and all the pell-mell march will become orderly, progressive and united. In all the summary of the *past*, and the survey of the *future*, there is not one word which speaks of *present* readiness to transfer power but only a profuse downpour of promises unaccompanied by the least, little readiness to act, to implement and to fulfil. The Viceroy would have India believe him when he said that if in the ten months' time of his extension of office, he could help to bridge these gulfs which he had spoken of he should leave India a happy man. Weeks and months rolled by. The Congress Leaders and Gandhi were behind prison bars. Those that wanted to establish connection and contact with them were not allowed to see Gandhi—neighter the Hindu Maha Sabha leaders, nor the Metropolitan of India, neither ex-Congressmen like C. R. nor the special envoy of the American President, Mr. Philips. No, the Viceroy wanted regrets for the past in "sackcloth and ashes" and assurances for the future with bell, book and candle. Until then, no outside force or party might meet Gandhi or the Working Committee on whom an *ex parte* blame had been laid. In the midst of all the evolutions and involutions which made up the Viceroy's speech there occurred one clear passage which might well be remembered by India. Said the Viceroy:

> "I have spoken often to you in my earlier addresses of the importance of unity in this country. Geographically India, for practical purposes, is one. I would judge it to be as important as it ever was in the past, nay more important, that we should seek to conserve that unity in so far as it may be built up consistently with full justice for the rights and the legitimate claims of the minorities, whether those minorities be great or small. That that would be a desirable aim no one, gentlemen, can doubt who tests that proposition in terms of foreign policy, of tariff policy, of defence policy, of industrial development. Can India speak with the authority that she is entitled to claim, can she play her part effectively at international discussions, at discussions with the other parts of the Empire if she is to speak with two voices? Indian unity, subject as I have said to full and sufficient provision for the minorities, accepted as such by those minorities, is of great and real importance if India is to carry the weight which she ought to carry in the counsels of the Empire and of the world. But there are hard practical issues that have got to be faced before any true solution can be found. Political opinion in all responsible quarters must discover a middle road along which all men of goodwill may march. That indeed is the difficult but essential task which must be performed if India is to achieve the great position we all desire for her. The policy of H. M.'s Government in respect of the future status of India is clear beyond any question. But the achievement of a particular status carries with it heavy obligations. In the modern world, whether we like it or not, a readiness to accept heavy financial burdens, to accept liability for defence on whatever scale one's geographical position demands, at whatever cost; all those are essential. So many to-day found their hopes and their plans on the confident assurance that the post-war world will be a safe world. I sincerely hope that it will be so. But if that end is to be achieved, and maintained, constant vigilance, constant effort, constant forethought, will be needed. And all that

is relevant to what I have just said about the unity of India. A divided people cannot carry the weight that it ought to carry, or make its way in the world with the same confident expectation of success.

But equally, mere artificial unity, without genuine agreement between the component parts may well be a danger rather than an advantage. For fissures that reveal themselves under pressure from outside are more dangerous than fissures the existence of which is well-known and can be provided against. It is only by understanding between party and party, between community and community, understanding that begets trust and confidence, that is based on a liberal acceptance by the parties to it of the historic traditions, the legitimate claims of the other to a place in the scheme of things, that there comes that truly welded result which is able to stand shocks from whatever corner of the compass. Is not that result worth working for? Is it not worth some sacrifice, if some sacrifice must be its price?"

A man's word is always judged by his conduct. The Viceroy speaks of unity, but is it an academic, hypothetical, ethereal unity calling froth "windy, vapoury, rhetoric" or is it a call for conciliation and compromise, a ready adjustability and a healthy spirit of 'give and take' in accomplishing an immediate, definite, tangible task set to those to whom the homily is addressed. The absence of co-ordination between word and deed, pious prayerfulness and practical programme has raised suspicions in quarters that were looking to the Viceroy, but looking vainly as it turned out to be,—for a solution of the deadlock. Was this call for unity a hallucination before India's eyes, even as the emphasis on divisions earlier was a delusion before India's mind? That so practical a politician as Sri C. Rajagopalachariar saw in this plea for unity, a trap, and been reminded by Lord Linlithgow's appeal for unity of the Greek Legend in which Tantalus was punished with ever receding waters which could not be reached to quench his thirst, was indicative of the mood to which the nation was driven. That the Muslim League and the Hindu Maha Sabha should have read the speech in two opposite ways was but to be expected. And the Congress was not there to speak out its mind.

In February, 1943, the Central Assembly took up the discussion on Mr. Neogy's resolution moved in the previous session urging an inquiry by a committee of members of the House into allegations of "excesses" committed by the police and the military in dealing with the 'recent disturbances' in the country. The Home Member, replying to the debate, said "the Government would oppose all attempts to place their employees in the dock. Public servants must be supported, he said, in all their legitimate actions. The House he was sure would agree that all outrages must be suppressed by all means available. Law and Order would become impossible if Government servants had to face an inquiry as proposed by the resolution. Without a firm and loyal police and public services the writ of the House and similar institutions could not run."

The publication of the booklet on disorders by Government of India has a tale to tell. Gandhi's fast began on the 10th February, 1943. The correspondence that passed between him and the Viceroy on the one hand, and between him and the Secretary to Government of India on the other, is highly revealing and is incorporated in the account of the fast itself. During the period of the fast, Gandhi's condition was critical and at one point of time, his life was despaired of. It was at such a moment, on the 22nd February, 1943, that Government chose to publish their booklet on the disorders in the country. Government while hoping for the best, were

obviously preparing the country for the worst for if the worst should happen, they would need justification for their decision not to release Gandhi and the booklet would then furnish the justification as if to say " Gandhi played for violence and Gandhi would be hoist with his own petard." On the morrow of the day of publication, in the Central Assembly, the President ruled out of order Sardar Sant Singh's adjournment motion to discuss the publication, The Chair observed that " speeches had been made in this very House citing the facts given in the pamphlet. The publication of the pamphlet was, therefore, not an urgent matter."

A press note from New Delhi, February 22nd, 1943 says :—

> " An 86-page booklet is published today giving facts, whether derived from official documents or otherwise, bearing on the responsibility of Mr. Gandhi and the Congress ' High Command ' for the disturbances which followed the sanctioning of a mass movement by the A. I. C. C. on August 8, 1942." " Under the last heading the booklet quotes passages from Mr. Jaiprakash Narain's appeal after his escape from jail."

The elementary fact that Shri Jaiprakash Narain had not been seeing eye to eye with Gandhi and the Congress and the fact that he was out of view at the time of the publication was itself a proof of the statement. To seek therefore support for Government case by quoting aught he might have written shows the desperate limits to which they were driven for the support of their cause.

The publication in the end says : " In the face of all this evidence..... only one answer can be given to the question as to whose must be the responsibility for the mass uprisings and individual crimes which have disgraced and are still disgracing the fair name of India, that answer is—the Indian National Congress, under the leadership of Mr. Gandhi."

We may conveniently bring in here a quotation by Mr. Amery from Gandhi, referred to in his speech of 14th September, 1942 in the Commons for the purpose of answering all these together :

> " Mr. Gandhi says that British rule must come to an end at once, that the army must be disbanded and India left to anarchy and that the first step probably would be to negotiate with Japan against which India felt no ill-will at all. When it was suggested that that was not good propaganda in this country or America, he cheerfully turned it round and said the object was not anarchy but an ordered, stable, provisional Government and the maximum of assistance to the allied cause."

It would have been graceful to accept the concluding part without seeking to vitiate it by quoting passages from earlier statements out of context,—in any case after they had been superseded.

In the Central Legislative Assembly on March 25, 1943 Mr. T. T. Krishnamachari moved his resolution recommending drastic revision of Government's policy regarding the treatment of political prisoners and detenus and asking that members of the Central Legislature should be allowed to visit prisons and interview political prisoners with a view to eliminating the inconvenience and restrictions imposed on these prisoners. Sir Reginald Maxwell, Home Member, explaining the Government's attitude said that " no relaxation of restrictions imposed on security prisoners detained in connection with the present movement, could at present be contemplated, because the war was not yet won. The danger, he said, was still there and the Congress movement was not yet dead."

Before concluding this section it would be but correct to give a summary of the views of some of the Indian members of the Viceroy's Executive Council on the political situation in India. Speaking in the Upper House the Hon'ble Sir Jogendra Singh said so early as on September 24, (1942) :—

> " Let us forget the Congress and the League. Let us no more waste emotions in vain pursuit of theories which have no relation to facts. Let representatives of Princes and Peoples come together, resolve the deadlock and present a united demand."

Replying in December to the address of the Indian Merchants' Chamber, Bombay, Hon'ble Mr. N. R. Sarker said :—

> " Apart from the grounds of idealism, I am fully convinced from the experience I have gathered by my work in the Government of both the Province and the Centre as also in the commercial field of the country for the best part of my life, that our freedom is essential, so that India may attain her full development in every sphere of life."

Speaking at Ottawa on December 22, Sir A. Ramaswami Mudaliar, India's representative on the British War Cabinet, said " The people of India are keen to have their political status assured and that the differences between them arise from various viewpoints regarding the methods whereby this status can be attained."

Sir Reginald Maxwell left for London on May 1, 1944. There he became an " adviser " to the Secretary of State for India. His career may briefly be reviewed. His political tendencies have now been registered as a chapter of recent History after his long service and recall with interest his many associations with Indian administration. He had been for over a quarter of a century the evil genius of the bureaucracy. Long years ago, he was the Collector of Kaira District when the floods in Kaira devastated that portion of Gujarat. The magnificent work done by the Gujarat P. C. C. under the leadership of Sardar Patel has been described in an appendix in the " History of the Congress " Vol. 1. The Gujarat P. C. C. took away all initiative from Government and distributed help to the tune of a crore and half rupees to the people affected. At this time (1918) the Viceroy went to Gujarat to inspect the area affected by flood and Mr. Maxwell informed the Congress workers that they should not make any complaint to the Viceroy, that if they had anything to say, it should be said through him. The matter was reported to the Sardar and he advised them to get the order in writing. Mr. Maxwell, however, refused to commit his instructions to paper. Thereupon the representation made to the Viceroy embodied this particular fact amongst other matters in its contents. The Viceroy visited numerous centres and was shown round by Congress workers and the most handsome compliment was paid in writing to the relief work then organised.

Mr. Maxwell became one of the two Commissioners in 1928 (along with Mr. Broomfield) to go into the question of the resettlement of Bardoli and Choryasi Talukas and he had to give a verdict in terms of the demand of those who had organized the movement. Mr. Maxwell then rose to the position of the Home Member of Bombay in 1933 and was responsible for the detention of Sardar Vallabhbhai Patel under Regulation III of 1818 as a State Prisoner till August 1934, *i.e.* for several months after the movement had been withdrawn. Finally Mr. Maxwell rose to the top rung of the official ladder in 1940-44 and was the one man responsible for recent History.

### (2) Non-Official

This is not the first time as is well-known that the Congress contemplated a nation-wide movement against Government. In 1921, the visit of the Prince

of Wales was the occasion for a campaign of Individual Civil Disobedience, while in 1930 *Swaraj* was the direct issue and Salt Satyagraha was the chosen weapon for a combined movemement of Civil Disobedience—individual and mass. The 1932 Campaign was only Government's decision to restore the *status quo ante* after the breach of the Gandhi-Irwin Pact and the failure of the Second Round Table Conference. On none of those occasions was public sympathy so much with the Congress as on this occasion when Government embarked upon the severest measures of violence and repression before Congress had even commenced its movement. It was not merely sympathy for sufferers but a peremptory call to Government to resolve the deadlock they had thus created, that emanated from eminent individuals and highly loyal institutions who were till then the bulwark of the British Government. If men like Sir Shadilal, Sir Chimanlal Setalwad, Sir Tej Bahadur Sapru, Sir A. Dalal, Sir Mirza Ismail and Sir S. Radhakrishnan, Right Hon'ble V. Srinivasa Sastri and Rt. Hon'ble Mr. M. R. Jayakar, if Mercantile Associations, Federated Chambers of Commerce, Trade Unions and Parsi Associations, European Associations of the Punjab and Bengal, Advocates-General of Bihar and Bombay, High Court Judges like Biswas, Church dignitaties like the Metropolitan of Calcutta, Christian leaders and Communist leaders, Non-party Leaders' Conferences and Women's Conferences could in one voice urge a reconsideration of the situation and the resolution of the deadlock by Government, there must be something radically wrong in the latter in not paying heed to these numerous warnings and entreaties from its own whilom supporters.

No one ever thought that venerable old Sir Shadilal would open the campaign on the 14th August, 1942, from his retirement when he openly warned Government that they had not realized the serious consequences of their action in arresting Gandhi and the Working Committee and that the arrests won't improve the political situation in the slightest degree. Mr. Nariman pleaded for permission to Gandhi to write to Government and write he did as could be seen from the correspondence that preceded the Fast. Mr. C. Rajagopalachari while condemning the disorders pleaded for the resolution of the deadlock. The Metropolitan of India intervened early and said :

> "Within the ranks of the Congress, there are strong elements on the side of active participation in the war effort in complete alignment with the Allied nations. The creation of a council chosen by the real leaders of political parties in India with real executive power now, would, I believe, unite all in a common war front....."

A member of the Indian Civil Service, R. K. Patil, two Advocates-General and one Government Pleader resigned their posts in connection with the campaign of disorders. The Government Pleader was Mr. R. A. Jagirdar and the Advocate-General was Motilal C. Setalvad, a son of Sir Chimanlal Setalvad who had held the office for five years. The other Advocate-General Sri Baldev Sahay comes from Bihar and shortly after his resignation he made the following convincing appeal on the subject of reconciliation :—

> "Since the 9th August....there have been serious disturbances of multifarious kinds.....The Government have launched upon a policy of repression....and the pity of it all or rather the tragedy is that there is nothing fundamentally irreconcilable between the Congress demand and the attitude of the British Government; the gulf is not so wide that constructive statesmanship cannot bridge it over....."

A highly interesting statement on the crisis emanated from the pen of the Maharaja Holkar or Indore.

In reply to a question about Mr. Churchill's observation regarding the manufacturing and financial interests behind the Congress, Mr. G. L. Mehta,

President of Indian Chambers of Commerce and Industry at the Press Conference in New Delhi stated that Indian commercial organisations did not feel apologetic about the fact that they were an intergral part of the National Movement and that they were fully in accord with the essentials of Congress demand for freedom and transfer of power."

Mr. Nash, New Zealand's respresentative on the Pacific War Council, said :

> " You form a Government, and we will drop our Government when you form yours. It is absurd to say you shall not have a Government in the meanwhile. There is one qualification. We do want to use the area to defend the interests of the Allied Nations."

Mr. J. C. Setalvad, President of the Indian Merchants' Chamber, deplored the imprisonment of leaders like Gandhiji and Nehru and regretted the attitude of the people who were throwing the blame and responsibility on these leaders.

A strongly worded statement was issued by the Standing Committee of the Non-Party Conference on December 15th, 1942 :

> " The present policy of the Government has created an acute and profound feeling of frustration and resentment in the country..... Britain can gain the friendship of India not by boasting that the number of British troops in this country is greater now than it was ever before in the history of the British connection, but by transferring the largest amount of power to Indians during the war and thus convincing them that the British authorities genuinely desire to make India free and self-governing."

An appeal to the Trade Unions and Labour Movement of Great Britain to urge Government immediately to release Mahatma Gandhi, Maulana Azad and other Congress leaders and to concede the demand of India for immediate transfer of power to the people as no settlement was possible while the leaders were in jail, was made by the General Council of the All-India Trade Union Congress. The resolution also appealed to the Trade Union and Labour Movement of the United States to bring pressure on their Government to urge the Government of Britain to concede the National demand for the transfer of power.

A declaration that the Parsis do not claim any safeguards in any new constitution for India, is made in a statement issued over the signature of over 600 Parsi citizens of Bombay. The statement was in reply to a pronouncement by Mr. C. R. Attlee in the House of Commons with regard to Indian Independence when he stated :—" There are a number of extremely effective minorities who must be considered. They are the Sikhs, the Parsis, the Princes and the population of Indian States." The Statement says :

> " Following the lead given by our great leaders like Dadabhai Naoroji, Sir Pherozshah Mehta and Sir Dinshah Wachha, we, Parsis have always asserted that we are Indians first and have asked for neither separate representation in the legislative or municipal bodies, nor any special treatment in the Services. This was our stand even at the Round Table Conference. Mahatma Gandhi made a special reference to this and said that the Parsis formed the only minority that never asked for separate representation. May we now emphasise that, in these days, it is absolutely essential that we should stand by this self same principle and policy. Expediency and policy apart, on moral grounds, we clearly see that our future is indissolubly linked with that of our sister communities."

In November, Sir Tej Bahadur Sapru at a press conference suggested that the Governor-General should place himself at the head of the National movement and call a conference of all parties, including the Congress.

We have referred to the protests and pleas of Lawyers, Princes, Statesmen, and Captains of Commerce and Industry and we refere below to a few of the opinions expressed by scholars and savants.

Sir S. Radhakrishnan, Vice-Chancellor, addressing the Convocation of the Benares Hindu University on November 29th said : " We must wake from the sleep of centuries and hold our heads high."

Finally we refer to two opinions of Englishmen in India connected with Commerce and Trade expressed within 2 days of each other.

Mr. R. R. Haddow, presiding at the annual general meeting of the Bengal Chamber said :

> " We have no quarrel with the attainment by India of full Dominion Status, but we equally make no secret of our intention to do all in our power to see that the interests we represent receive adequate recognition for the part they have played and are still playing in the development of the country....."

An earnest plea for breaking the Indian deadlock was made by Sir William Robert, President of the Punjab Branch of the European Association.

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In an interview with the Bombay correspondent of the *Hindu* in the middle of November, Dr. Ambedkar expressed his opinion that there was no necessity for forming a National Government in India at the present juncture, that the present political situation in India was the result of mutual distrust between the majority and minority communities in this country and that it was better to wait for the termination of the war for settling the future of India. Later, Dr. Ambedkar compared Mr. Jinnah and Gandhi and stated that both must quit Indian politics. Dr. Ambedkar's comparison was answered by Prof. Abdul Majid Khan's statement in which he said :—

> " Dr. Ambedkar was carried off his feet by frothy oratory and talked like 'a sophisticated rhetorician inebriated with the exuberance of his own verbosity' when he compared Gandhi with Jinnah. In reality, there is no comparison between them ; they are poles apart and one is wholly unlike the other. What a pity that Dr. Ambedkar cannot distinguish between chalk and cheese."

The reaction on C. R. a whilom member of the Working Committee constitutes a section by itself. But the gist of his contention is briefly told. He deeply bemoaned his inability to do aught to retrieve the situation and his labours for the next three years ending as they did in failure, bore testimony to the inevitability of such failures when a worker, however eminent in position detaches himself from his party and when he pursues a continuous policy of appeasement.

It will be remembered that the Jam Saheb and Sir A. R. Mudaliar were sent to London as members of the War Cabinet. The creation of a completely Indianised and fully executive Viceroy's Council, with Whitehall not interfering in Home and Financial Affiars, was the advice given by the Maharaja of Nawanagar in an interview with Mr. George Slocombe appearing in the *Sunday Express* of October 11, 1942. The Jam Saheb said the conduct of military operations would, of course, remain in the hands of the Commander-in-Chief and the War Cabinet, as now.

Now comes the story of Sindh which takes us back to September 26, 1942 on which day Khan Bahadur Allah Baksh, Premier of Sind, through a letter to Viceroy, renounced his titles "Khan Bahadur" and "O.B.E." as a protest against the British Government's policy. Announcing this at a Press

Conference on 26th September, the Premier said the policy of the British Government was " to continue their hold on India and persist in keeping her under subjection, to use her political and communal differences for propaganda purposes, and to crush the national forces and serve their own interests." He also read a letter addressed by him to the Viceroy. Answering questions, the Premier said he had set upon himself the dual part of fighting Imperialism as well as Nazism and Fascism. He asserted it was his birthright to fight against Imperialism and it was the duty of every Indian to defend the country against aggressores that may invade India."

On 28th September, at a Press Conference, Mr. Allah Baksh said, replying to the question whether the renunciation was a direct result of Mr. Churchill's speech, " It is the culminative result of the feeling that the British Government does not want to part with power but Mr. Churchill's speech shattered all hopes."

The reply of Government to Mr. Allah Baksh was that he was removed from office by the Governor on 10th October, 1942 as he no longer possessed the Governor's confidence. It is understood that before removal, Mr. Allah Buksh refused to resign his Premiership and removal followed. The Governor then invited Sir Ghulam Hussein Hidayatulla to form a Cabinet and he accepted the invitation.

Mr. Allah Buksh was removed from office under Section 51 of the Government of India Act 1935 which reads :—

> " The Governor's Ministers shall be chosen and summoned by him, shall be sworn as members of the Council and shall hold office during his pleasure."

### (3) The Reaction of the Muslim League

As was to be expected, the reaction of the Muslim League could not possibly be favourable or even indifferent to the movement projected by the Congress. The open antagonism to the Congress and the practical steps it had been taking from time to time in pursuit of its avowed object and within the limits of the means set forth in the creed, had not commended themselves to the Muslim League despite the fact that the League too had adopted Independence as its creed. But in its annual session held in Madras in 1941, it further incorporated into its creed Pakistan or a separate autonomous Union of Muslim-majority provinces as an integral territory having nothing to do with the Indian Union beyond the obligations and rights as between two independent but neighbourly countries. Day by day, week in, week out and month after month, the centre of gravity of the League leaned towards the idea of Pakistan and a series of accidents gave the League a certain influence and even power in five provinces which happened to form Ministries under Provincial Autonomy. It was not as if the attachment of the Chief Ministers of these five provinces to the League was unswerving or unassailable, but the evolution represented the natural tendency of isolated units functioning like the floating bodies of the Heavens to cultivate ties of gravitation towards a bigger body in order to make their own position less unstable. It may be remembered that the fortunes of the League were nothing mentionable in the general elections of 1937, when it had just been revived, but in subsequent by-elections for it scored only some fifty and odd seats out of 480 in India, the success of the League candidates mounted up to over fifty in nearly all the contests. In the Punjab as well as Bengal, however, it was independent *ad hoc* bodies brought into existence for the nonce that fan the show. The Unionist Party in the former as well as the Krishak Praja Party in the latter were the bodies that ran the elections in 1937 and

while the former was a mixed body of Hindus, Muslims and Sikhs, the latter was a purely Muslim body which later formed a Ministry in conjunction with some of the Hindu members of the Legislature. Maulvi Fazlul Huq was the Premier of Bengal and Sir Sikandar Hyat Khan of the Punjab. In Sindh the Muslim Premier Sir Hidayatulla was ousted from power by Allah Baksh who became the Premier with the help of the Congress group and had clear Congress sympathies and leanings. We have seen how the policy persued by Governments in 1942 influenced him to surrender his titles of *Khan Bahdur* and *O.B.E.* as a protest against Gandhi not being released and against the continuation of the deadlock and this had the unusual result of the Governor dismissing him forthwith and of the formation of a new Ministry under the Premiership of Sir Hidayatulla who had previously resigned membership of the League and who was readmitted on his becoming the Premier. Opportunity was taken to convert the Sindh Ministry into one of Muslim Leaguers, (other Muslim Ministers joining the League anew) and of Hindus attached to the Hindu Maha Sabha. A number of accidents indeed determined the issue in the Punjab and Bengal as in Sindh. The sudden demise,—premature and deeply lamented, of Sir Sikandar Hyat Khan, brought in the Ministry of Lt. Col. Khizar Hyat Khan, a sitting minister, as the Chief. Neither he nor his Muslim colleagues, were Muslim Leaguers but in the course of events, the Premier happened to become a Leaguer and likewise his Muslim colleagues. In Bengal an extraordinary event happened. The food situation became acute and it was considered desirable to have an all-party ministry. Fazlul Huq offered to form one and although he had a clear majority as was testified at two polls, the Governor, the late Sir John Herbert, sent for him on the 29th of March, 1942 and on pain of dismissal he was persuaded to sign a ready-made letter of resignation which he undertook not to publish or accept except with his consent later. After an interval of 25 days, Sir Nazimuddin, a former Minister, who was virtually got rid of by Premier Fazlul Huq a year previously, became the Chief Minister. He had all along been a League leader and he formed a Ministry of 7 Mussalmans —all Leaguers, and six Hindus of sorts, and excluded the Krishak Praja Party as a whole, from the Ministry, although it had a good strength of Muslim members. The deplorable feature on all such critical occasions is that some of those who belong to one party are not unwilling to join another and put their weight on the weightier side. Anyway the new Ministry was a Coalition Ministry with the Muslim wing as the League wing. In Assam some time after the Congress Ministry had resigned, Sir Saadulla formed the Ministry and he was a Leaguer. In North West Frontier, Aurangazeb Khan, a Leaguer was commissioned by the Governor to form a Ministry in the middle of May and the names of four Muslims and one Sikh were submitted on the 23rd May. In effect, then, in these five provinces, it turned out that in the absence of Congressmen in jails although it could not be said that the Ministries in power were League Ministries, yet, the Premiers were persons who acknowledged their allegiance to the League. That was the position shortly after the Bombay Resolution.

Mr. Jinnah, the President of the League, must have been looking forward to some such consummation, but it was not one that could have been hailed as a triumph of the League. For one thing, these were all mixed Ministries with divided allegiance of different wings to different organizations. They were composed of seceders from other parties who gathered under the standard of their respective Premiers—not on account of change of views on political or socio-economic affairs, but because they wanted to serve their provinces as ministers. While the non-Muslim members of the Bengal

Assembly were divided into the Harijan group and the Congress group, (which was further divided into the Forward Block group, and the Independent group), the Hindu Ministers of the Punjab resented the Premier undertaking to work as a League Premier so consolidating League's power and authority. Nor was Mr. Jinnah satisfied with the progress of the Punjab within the three months' time granted to the Ministry for their improvement by the League.

The Muslim League Executive expressed its willingness to negotiate with other parties for the formation of a provisional government—on a condition. A resolution calling upon the British Government to guarantee to the Muslims the right of self-determination and assure them, without delay, that they would abide by the verdict of a plebiscite of the Muslims in favour of Pakistan, and expressing the willingness of the Muslim League to negotiate with any party for the setting up of a provisional government in order to mobilise the resources of India for the defence of the country and the successful prosecution of the war, conditional on the grant of the Muslim demands, was passed by the Working Committee of the All-India Muslim League on August 22, 1942. The President of the League, Mr. M. A. Jinnah in reply to a query stated that the word " party " referred to in the resolution meant " any recognised party that is capable of delivering goods." " Does it mean also Government ? " he was asked. " Yes, Governments are also a party in the country ; aren't they ? " was the reply of Mr. Jinnah. In reply to a question Mr. Jinnah stated that the aforesaid resolution was passed unanimously and that 20 out of the 23 members of the Committee were present. The remaining three members also expressed their complete confidence in the resolution that would be adopted. Regarding Muslims and the war effort, Mr. Jinnah said that officially the League had not undertaken the responsibility and burden of participating in the war effort because Government had declined to give the League real share and authority in the governance of the country on honourable terms. Asked whether the demand for an immediate declaration of the principle of Pakistan meant that it was to be ahead of the declaration of independence, Mr. Jinnah replied : " I want the British Government to make a declaration as demanded in the resolution, here and now, whether anybody agrees to it or not." Replying to another question Mr. Jinnah stated that on the declaration being made by the British Government, the League would be ready and willing to consider any proposal from any party for the purpose of setting up a Provisional Government for mobilising India's resources for the defence of India and for the prosecution of the war. There was no limit to the powers that might be transferred to the Provisional Government. That would be a matter for negotiation. But the League could not walk into the parlour of a Provisional Government where it had neigher an equal footing nor a settlement of the demand for Pakistan.

Shortly after, a proposal to divide India into five dominions was adumbrated by Sir Firozekhan Noon, Defence Member of the Executive Council at Aligarh on August 25 :

> " I should like British India to be divided into five dominions : (1) Bengal and Assam, (2) C.P., U.P. and Bihar, (3) Madras (Dravidian), (4) Bombay (Maharatta) and (5) Punjab, Baluchistan, Sind and North-West Frontier. These five dominions could be completely independent like New Zealand with her million and a half men and Australia and South Africa with their seven or eight million men each. But there are certain matters for which a central authority and a united effort on the part of all dominions is essential. There are, in my opinion,

Defence, Customs, Foreign-relations and Currency. For the administration of these four subjects only I would recommend the creation of a central authority which will consist of delegates nominated by the five dominion governments, delegates who will hold office so long as the appointing authority held office in their respective dominions, but with this great reservation that if at any time any dominion were dissatisfied with the working of the central authority that dominion shall have the power to secede, but that there shall also be a provision for such a seceding dominion to come back to the centre when the points of difference were removed. If you tell a State that once you come into federation you will never be able to get out of it, the authorities of that State will do their utmost to keep out of that federation, but if you give this freedom of secession, you may induce them to come in and have a trial. . . ."

The background of the League at the time of the Bombay Resolution is well-known. The foreground has been described in outline in these paragraphs. The first reaction of Mr. Jinnah then to the Congress Resolution was not inexplicable and was as follows :—

"I deeply regret that the Congress has finally declared war and has launched a most dangerous mass movement in spite of numerous warnings and advices from various individuals, parties and organisations in this country. It is impossible to believe that the Congress leaders were not fully alive to the facts that such a movement will result not only in violence but bloodshed and destruction of innocent peoples. It is to be deplored all the more that this movement is launched at this critical juncture and with the object of forcing their demands at the point of bayonet, which if conceded, with a view to pacifying the Congress' arrogant attitude and averting the challenge thrown so wantonly by them, will mean complete surrender and sacrifice of all other interests and particularly those of Muslim India."

In an interview in September, Mr. Jinnah stated :

"At the conclusion of the last meeting of the All-India Congress Committee, Mr. Gandhi most emphatically maintained in his last speech that the Congress alone represented India. So did Mr. Nehru and he went further and said that the All-Indian Muslim League was a reactionary body and that the Muslim masses were with the Congress and the Congress represented the whole of India. That is not only broadcast here ; it is broadcast all over the world, which people, naturally not knowing the realities of Indian conditions, believe it. This sinister and systematic propaganda is carried on to mislead people, and if you read Mr. Churchill's speech, he repudiates that claim."

Mr. Jinnah declared in answer to questions put by an American correspondent regarding War Effort as follows :—

"The Muslim League is not supporting the war effort. It is not that the Muslim League is recalcitrant or inimical, but it is unable to give wholehearted and enthusiastic support and co-operation in the prosecution of the war unless people feel they have their real voice and share in the Government of the country. But however much we may deplore and condemn the policy of the British Government during the last three years, nevertheless our position is that of a melon. Whether the melon falls on the knife or the knife falls on the melon, it is the melon that gets cut. Suppose out of bitterness and anger at British policy, I was to say tomorrow : 'Embarrass, non-co-operate with the British Government' believe me, it will create at least five hundred times more trouble than was being experienced today. It is not a question

of guns ; Mussalmans have five hundred times more guns. Any intelligent man in India will tell you,—I don't want to cast any reflection on the Hindu,—it is their temperament and the way in which they are brought up. But I say to myself : True, we can give five hundred times more trouble, but with what result ? I can only see two results following. The foreign aggressor will seize this country, may be from the east, west, south or north. If that happens, what have I achieved with all my sacrifice ? And if the other parties are not with me, it means internecine civil war. The other result is that, if this revolution is set on foot by the Mussalmans, I feel that even if it is successful in paralysing the British power, the consequences of so doing will be that India will be broken to bits. And when I contemplate these results, however much I condemn the British policy and however strongly I feel, I say I am in the position of the melon."

Sir Sikandar Hyat Khan's role between an honourable and independent position which he carved out for himself in the province of the Punjab and his desire to toe the line with the League in all-India affairs, became more and more complex and sometimes exposed him to the charge of inconsistency. He was interrogated on many current problems and topics. The following statement may be contrasted with a later utterance of his during the Nawab of Bhopal's visit to the Punjab, on Guru Nanak's birthday, when he pleaded for the unity of India. In answer to a question he said that Pakistan was a slogan. He himself was strongly in favour of self-determination for territorial units and the success of the scheme involved in it would lie in an understanding between the units. So far as he was aware Mr. Jinnah had not defined Pakistan. From his (Sir Sikandar's) point of view, the principle of self-determination did not differ from the Cripps offer.

The most striking attitude of Mr. Jinnah was what his interview with the *News Chronicle* revealed on October 13th. In it Mr. Jinnah asserts : that India has never been capable of finding a solution to any of its problems which in the past always had to have a solution imposed by the British. Now he wants Britain to promise an immediate guarantee of Pakistan after the war in return for which he would be prepared to enter a Provisional Government with seats equal in proportion to the Hindus. He goes on. " If the British Government gave such a guarantee to-morrow, I think Hindu India would accept the inevitable."

Support was at this time being keenly canvassed in the Punjab for the formula evolved by the Premier, the Hon. Sir Sikandar Hyat Khan, to solve Punjab's intercommunal problem—a solution which, it was supposed, would automatically settle the Indian constitutional issue. It was stated that Sir Sikandar's scheme commanded the approval of certain influential leaders of Bengal. Though not officially released as yet, the formula was known to have been circulated among leaders of the communities concerned who were giving it their serious thought, but uptill then Hindus and Sikhs were unable to reach any decision recognising the principle of self-determination for both Muslims and non-Muslims.

Sir Sikandar's formula envisaged division of the Punjab into two zones,—eastern and western.—should 75 per cent of the members of the next Provincial Legislature elected on the basis of the existing franchise fail to vote for accession to the proposed Indian Union. In that case Muslim and non-Muslim members of the Legislature could decide whether to have separate states for their respective communities or not by a majority of 60 per cent. votes demanding a plebiscite of those enfranchised. Should the western zone, comprising the Muslim majority, decide to stay out of the proposed

Indian Union, the eastern zone, having a Hindu-Sikh majority, would have the option of acceeding to the Indian Union. Later it was denied in the press that this was Sir Sikandar's scheme but the denial was still later contradicted. Yet Sir Sikandar expressed himself as standing for one nation in speaking on the occasion of Guru Nanak's birthday in December 1942. Sir Sikandar said : " We are one nation ; our country is one." It was in December that Quart Centenary of Akbar's birthday was celebrated in India and in England. Mr. Amery took part in the celebrations in London and advised Indians to follow Akbar's policy.

A *mushaira* (conference of poets) was held in Bombay under the presidency of Dr. Kazi, a prominent Muslim Leaguer. Dr. Kazi, in his presidential remarks, streesed the need for Hindu-Muslim unity in which Akbar firmly believed.

Mr. Jinnah demanded that Gandhi could make a statement abandoning Civil Disobedience from the jail, as the Congress President had done in 1941 re : Sind Ministry.

Sir Mahomed Zafrullah Khan while in New York on his way to Canada for attending the Pacific Relations Conference, suggested two alternatives as a liekly solution of the Indian Problem. First, he said, the All-India Congress should agree to Mr. Jinnah's demand for the establishment of Pakistan in the North-East and North-West areas. Secondly, let Mr. Gandhi, Pandit Nehru and their colleagues admit that there is a " a reasonable basis " for the Muslims' fear " and let them suggest the adoption of an agreement providing for the protection of the rights of Muslims and other minorities " before asking for the withdrawal of the British. In either case, there would then be a reasonable hope for an early settlement, he said.

Not all the Leaguers shared the views of the League. In the following memorandum, a Muslim demand for the abdication of British power in India and the release of leaders and the starting of negotiations are embodied in an eloquent call to Mr. Jinnah for settlement with Congress. The urgency of an immediate Congress-League unity and the formation of a Provisional National Government in this grave international crisis to defend India against foreign aggression is voiced in that memorandum.

Mr. Jinnah, on November 9th 1942 in his opening address to the Council of the All-India Muslim League restated the League's position regarding Pakistan and its attitude towards proposals for a Provisional Central Government.

" Either we achieve Pakistan or we perish " Mr. Jinnah declared at Delhi in the middle of November 1942, calling the Mussalmans of India to stand solidly by ' our goal of Pakistan ". This was a clear descent from the lofty heights which Mr. Jinnah touched in 1917, when he stood for a United India. At the Muslim League session held at Lucknow on 30th December, 1916, answering the question : " Is India fit for freedom ? " Mr. Jinnah said : " The reproach of separation sometimes levelled at Mussalmans is singularly inept and wide of the mark when I see this great communal organisation rapidly growing into a powerful factor for the birth of a United India."

The reactions to the League's demand for vivisection of India were not altogether encouraging. The Viceroy's speech in 1942 (December) before the Federation (European) of Chambers of Commerce on India's ' geographical unity ' gave a cold douche to the League's ideals. Then came his parting and Parthian shot in favour of Federation in his speech before the Chamber of Princes. In the meantime, there were resignations of Abdul Majid and 2 other M.L.A.s. from the League in Sindh. This was followed by the change of Ministry in Bengal.

At this point a little digression may be permitted by the reader. In the first week of November, Rafiq Sabir Mozangvi (aged 25) of Lahore, who was charged with attempting to murder Mr. M. A. Jinnah and voluntarily causing him hurt, was sentenced to five years' rigorous imprisonment by Mr. Justice Blagden at the Criminal Sessions of the Bombay High Court.

Mr. Jinnah's evidence in the box furnishes an object lesson,—a lesson by contrast—in that it may well be compared and contrasted with a like situation created in the life of Gandhi. When Gandhi was hit on the back of his head by a Pathan in South Africa and when he was dealt a blow which knocked two of his front teeth, the Police that approached him were turned away with the statement from Gandhi that he bore no ill-will towards his assailant and that he realized how the Pathan must have felt that Gandhi's attitude and activities were injurious to the cause he, the Pathan, had at heart. The Pathan who was not prosecuted became later the personal attendant and guard of Gandhi. A similar situation was repeated in India when during the Harijan tour in 1933, a bomb was thrown at him in Poona which injured a member of the group. The Police did not hear a word about it. When Allama Mashraquie stated that if it were he that was assaulted, he would have let the matter remain there and would not have thought of it, the suggestion embodied in the remark might have been considered superfluous or impractical, but in Gandhi's life, the same advice remained enshrined in conduct long before it was tendered by any one.

The Azad Muslim Conference at its meeting held in Delhi passed a resolution in which it stated :

> " This meeting of the Azad Muslim Board calls upon the people of India to realize their duty to the country and community in this grave crisis and concentrate all their efforts towards the consolidation of inter-communal unity and trust. The Congress has taken such substantial steps towards the settlement of the communal problem that further negotiations with its leaders offers the basis of a Provisional Coalition for the duration of the war without prejudice to the rights and interests of any community in the post-war constitutional settlement."

That Mr. Jinnah's attitude towards the whole problem of India's future did not commend itself to an appreciable number of his co-religionists, may be broadly inferred from the fact that a new Muslim organisation was started in the middle of June (1943) to fight the Pakistan idea under the name of "Muslim Majlis " with headquarters in Calcutta and with Khan Bahadur Shaikh Mahammad, M. L. C., as President. In a statement to the Press he said :

> " Repeated failure on the part of Mr. Jinnah for the last two years to meet the Congress leaders on some pretext or the other and discuss with them his Pakistan Scheme as to what he really means by self-determination for Muslims has created doubts among his followers about his *bona fides*. His demand for unconditional surrender by Congress has convinced his staunch supporters, that Mr. Jinnah neither cares for independence of India nor for Pakistan but for maintaining his present untenable position even at the cost of India's freedom and the risk of losing Pakistan itself. In order to educate the Muslim Masses as to the real significance of Mr. Jinnah, playing the game of hide and seek, and thus deferring communal settlement indefinitely, a "Muslim Majils" .....is founded with three-fold object, and as a permanent necessity to resolve the present political deadlock in co-operation with other parties ; to achieve independence for India politically and economically ; to safeguard Muslim rights and privileges not only on the basis of numerical

strength of the Mussalmans of India but also according to the special position of the Muslim community in India and its importance in this sub-continent ; to oppose partition of India as, it is not only impracticable and negative to India's independence but also against the interest of the Mussalmans of India."

### (4) The reaction of the Hindu Maha Sabha

The various political or socio-political bodies that have figured on the Indian political stage emerged into existence at different times, the oldest being the Indian National Congress and the youngest—the Hindu Maha Sabha. The former took its origin in 1885 and was from the outset recognized as a national body with distinct political objects so much so that by 1888, it earned the notoriety of being a seditious organization at the hands of Sir Auckland Colvin, the Lieut. Governor of the North West Provinces of Agra and Oudh (the modern U.P.). The Hindu Maha Sabha has doubtless been in existence for nearly quarter of a century for it had held its 24th session in Cawnpore in 1942 (December, 29). But it was recognized, even as the Congress and the League had all along been recognized by the Government of India, only in their statement of 8th August, 1940 and therefore it is that the statement is made that it is the youngest of the political organizations. However that be, the Sabha has steadily developed its organization though not its sanctions and latterly it has adopted language of a minatory character threatening an " active movement " which through loose press-reporting, were put down as programmes of direct action, but the error was shortly afterwards corrected by quoting the distinctive phraseology. For the time being, the Sabha has contented itself with combating the resolutions of the League and sometimes with presenting the other side of the medal as for instance, when it protested against communal fines. On a second occasion when the Government declared forfeit the vast properties and wealth of the Pir of Pagaro whom they had hanged in April 1943, the League passed a resolution urging the application of the funds for the benefit of the poor Muslims, but the Sabha demanded their utilization for compensating the numerous Hindus who were robbed. The Sabha on its part, like the Muslim League and the Akali Dal, waged a triangular fight, on one side with the League and on the other with the Congress. Against the Congress, it looked as though at times, the *Kattar* Maulvies and the *Sanatanist* Pandits put their heads together. In its fight against Government like all the other bodies in India, excepting the Congress, the Sabha has contented itself with passing well-worded resolutions bidding fair sometimes to appraoch in length those of the Congress. Like the League which has had the same President for decades, the Sabha also had almost a permanent President in Shri Savarkar (who held office till 1944), whose past labours in England for the cause of Indian emancipation, whose daring feat of escape in the harbour of Marseilles, whose illegal arrest by the British police on French soil, and whose life imprisonment the latter part of which took the form of 12 years of internment at Ratnagiri, have been thus rewarded by the Hindus of India and whose 61st birthday was celebrated with the appropriate presentation of a purse of over 3 lakhs of rupees.

On the day of the arrests of Gandhi and his colleagues, Shri Savarkar's call to the Hindus was one of " no support to Congress move". There was nothing in it to be surprised at. All along he has preached the gospel of *Hindutwa*, Hindu communalism, not Indian nationalism. In the formation of Ministries in Muslim-majority provinces while the Congress was in prison, he encouraged Hindu participation in them in different provinces on different grounds but in all these matters he was only echoing the policies of the

Muslim League in looking up to the immediate rather than the remote, the policy of communal gain rather than the principle of Indian Indepencence, the tactics of working with the British Government, rather than the strategy of fighting them.

### (5) Reaction of the Sikhs

Indian Nationalism has striven for over half a century to merge the provinces and communities of India into one composite whole moved by common aspirations, common hopes and common ideals. The success that has attended this movement is phenomenal. It is as if the whole of Europe minus Russia has been welded into one united nationality. Such a thing has neither been attempted nor ever came within range of imagination in the West. At one time France, at another Russia and at still another, Germany had entertained ambitions of bringing Europe each under her sway, but that was an eassay in Imperialism on a continental scale, not nationalism within natural boundaries based upon community of descent and tradition, language and literature, social laws and civic institutions. In India the problem has been made infinitely easier for despite the latter-day conversions to Islamic faith or Sikh culture, the whole country within the natural frontiers of mountain range and ocean belt, has been animated by the rhythmical throb of a common pulse beating in unison with a common central impulse. The foreign rule may justly lay claim to having achieved unwittingly and perhaps unwillingly this commendable result by force of the common sway, common laws, common communications and common instruments of governance, but in the very process there emerged certain fissiparous tendencies as inevitable sequelæ to its evolution. The Sikhs forming about 6½ million population in India, but inhabiting a continuous tract of country and moved by inspiring traditions of freedom and chivalry, have however, while cherishing them all, fallen victims to concepts and aspirations not wholly in harmony with the larger nationalism of Hindusthan. Foreign Rule necessarily directs vision and attention from a search for power which it would not part with, to a seeking out of influence which may be much or little, which may extend from Municipal and local to provincial posts and all-India positions. Is it a Sikh High Court Judge? They have only to express it, and a Sikh is made High Court Judge. Has the Ministry of the Punjab no Sikh on its personnel? Lo and behold, Sikandar-Baldev Singh Pact and the appointment of the latter by the former as a Provincial Minister follow. Why has there not been a Sikh in the Viceroy's Executive Council so long? Hardly had the demand been made when Sir Jogendra Singh became Member for Education, Lands and Revenue. The small reforms are always the enemy of the large reforms. All these sops to the Cerberus divert the mind from the legitimate sphere of national striving. Where is Sirdar Ranjit Singh of old and where are the miniature Sirdars who hold on to toy places in which they sit as dolls pulled to action by strings held by a Viceroy here or Governors of Provinces there! Is it any wonder then that the Congress has had to face a stupendous task in having to engage the affections of the Sikhs and other groups and had to witness their aloofness and even opposition on an occasion like that visualized by the Bombay Resolution. The position is made more delicate by the fact that the Sikhs are a professional martial race and are as keen on safeguarding their numbers and influence in the Army and on the battlefield as in public offices. The Sikhs however have not, like the League, stood in the way of a solution of the all-India problem and the formation of a National Government. Only they want their quota in the Military and Civil Services commensurate with their importance. They express themselves in terms

of nationalism and are prepared to and repudiate all Communalism so long as the latter stand by it, the former claim their pound of flesh and a few drops of blood as well.

### (6) The Reaction of the Indian Christians

The reaction of the Indian Christians to the August Resolution was healthy as was but to be expected of them. In his greeting address to the 25th session of the All-India Conference of Indian Christians held at Delhi during March, Sir Frederick James rightly described the Conference as peculiarly fitted for a mission of reconciliation in India. For, as Pandit Kunzru points out in his address to the Conference, this body stood out for unity, ready to place their country above communal considerations, while threats of divisions were overwhelming the country. Moreover, the Indian Christians, being themselves a minority are well fitted to realise the difficulties and appreciate the standpoints of minorities in general. Raja Sir Maharaj Singh's presidential address at the All India Christian Conference was a strong plea for a communal settlement and he suggested the release of Gandhi, a small round table conference representing all important communities and parties, and the postponing of a final decision on Pakistan till after the war, the suggestion of a round table conference naturally implying that Congress leaders should be released. The Conference itself embodied these views in its resolutions. It suggested further that in the event of the communities in India failing to come to an agreed solution " the question might be referred for decision to an international tribunal." Apart from the Communal problem the Conference called upon the British Government "to make a clear declaration as soon as possible that India would attain full freedom within two years after the cessation of hostilities. And meanwhile, the Conference demanded " in order to enlist the full co-operation of the people of India in the war efforts, the immediate formation of composite Governments at the Centre and in the Provinces, consisting of non-Officials only with the sole exception of the Commander-in-Chief."

## CHAPTER XVIII

### The Fast

In all canonical literature and history, the Fast has played an important part as a potent instrument of regenerating oneself and chastening the flock. But the Saint and the Statesman have all along been separate integers of society or when combined maintained separate compartments in their mental and moral mansions. But Gandhi is the first combination in history of the saint and statesman whose range of vision, whose sphere of affections, whose domain of activities are one combined, composite and corelated whole in which there is no compartmentalism of concept or conduct. They are, to vary the figure of speech, one fabric woven on the warp of religion and the woof of politics, comprising the stripes of economics and the stars of art, the embroidery of culture and the brocade of morals. If the mundane politicians of the day in the West are unable to comprehend this higher synthesis of the East, they may not at least misunderstand the purpose of this self-discipline, or misrepresent the object of the fast and the purposes motivating it. To describe it as an instrument of coercion is to conceal the degree of one's own callousness, consistently maintained to the end which would face the 'coercive' measure to its logical or pathological end. A coercive measure cannot have much or aught of coercive potency in it when the party intended (as is alleged) to be so coerced successfully resists all coercion. Gandhi's fast has proved one thing at any rate, that it is not coercive in result or intention. The fast stirs the sleeping sense of right, it kindles the dormant spirit of humanity. It awakens the camatose sense of Justice. The person for whom it is meant, imagines that it is directed against him and feels oppressed because in his own breast, there is a rousing of his conscience, stimulation of his heart and a quickening of his judgment. It is the struggle in him between his baser and better self that betrays, him, on the one hand, into an unmitigated condemnation of the mystic that is mesmerising him from darkness to light, from untruth to truth and from death to life and, on the other, into an unbecoming comparison of a new *avatar* to a friar that pursues power politics.

Six months were about to pass since Gandhi and his colleagues were imprisoned before the movement under his Generalship had not so much as begun. On the day that he spoke in Bombay at the meeting of the A. I. C. C. he stated that he would write to his friend, the Viceroy. What he was not allowed to write as a free man, hé endeavoured to wirte as a detenu in the Aga Khan's Palace, Poona. The news did leak out in the Press then and there, but no one could know the details, nor would the contents of what he in his confinement wrote in September 1942, be the same as what he had intended to write on the 9th of August if left free. Whole floods of water flowed since then under the bridges of the twelve sacred rivers of India and there was imputation of motives, of secrecy, of instructions, of immorality and untruthfulness, to Gandhi and his following which it was his duty to contradict and repudiate. But he was not free to do this although they said he would be at liberty to recant his faith and forswear his resolve. To a conscientious person, there was no alternative but to invoke the decree of a higher power in which he has eternal faith and justify himself in the eye of his Maker when the chance has been denied him to justify himself in the eye of man. The com-

parison by M. Amery of Gandhi to Father Joseph is dealt with at length elsewhere.

The first intimation of the fast reached the public only on the 10th February and the members of the Working Committee in the Ahmednagar Fort on the 11th February. It was doubtless wellknown that Gandhi would undertake a fast almost as soon as he should be arrested. He had publicly stated so. But at the last moment, he had given himself a fortnight's time. Very likely he would have embarked upon his fast but for the sudden demise of his Secretary, Mahadev Desai, within a week of the arrests. Government in their *Communique* published below, raise the point that Gandhi himself had admitted in the past that the fast contained an element of coercion. What Gandhi said related to a certain phase of his Rajkot fast which is quoted amiss by Government as a statement of general observation. Again the worst callousness of Lord Linlithgow was to be seen in the following passage which occurs in his letter to Gandhi dated February 5, 1943. " You may rest assured that the charges against the Congress will have to be met sooner or later and it will then be for you and your colleagues to clear yourself before the world if you can. And if meanwhile you yourself, by any action such as you now appear to be contemplating, attempt to find *an easy way out*, the judgment wiill go against you by default."

What an insinuation to make that Gandhi was finding in death through a fast, a way out of his responsibility for the 'crimes' perpetrated by the Nation.

Shri C. Rajagopalachari in a statement issued on March 8th, 1943 criticised the Government's suppression of Gandhi's letter before the commencement of his fast : " Ever since the Gandhi-Linlithgow correspondence was published on February 10th, one outstanding fact that has transpired in that correspondence has given cause for much puzzlement. No explanation has yet been tendered by the official world. Gandhiji's disapproval of the acts of sabotage and violence that followed his arrest, was explicitly expressed in his letter to the Government of India dated 23rd September, 1942. Had this letter or the substance of it been published at the time, it would have effectively stopped the exploitation of his name as well as of the Congress by those who carried on and encouraged these acts....."

We may now review this correspondence. The outstanding fact is that Gandhi took the initiatve in regard to it and in his two letters, restated the position of the Congress. Primarily he replied to the Government's *communique* dated 8th August and incidentally he explained the scope and object of the Bombay Resolution. Ever since Cripps made his broadcast speech in Delhi on the 11th April, 1942, a day before his departure to Karachi, it became fashionable to give the Congress a bad name with a view to hanging it one day. The Government of India repeated the charge that Congress wanted power for itself, little knowing that even as they were really drafting their Resolution dated 9th August, Gandhi and Maulana were carrying on correspondence reiterating their seriousness in proposing, not merely agreeing to Mr. Jinnah's forming the National Government. But the time was past for argument. The Government had got ready their case, their instruments of war and their plans of defeating their enemy and they would not waste all their preparations !

### Section I—The Progress of the fast

Before proceeding to summarise the reactions to the Fast in all these circles—official and non-official in India and abroad, it would be appropriate to trace the progress of the Fast itself from day to day until by a fortunate

chance, and as the result of the ardent and devout prayers of millions of people in the world, Gandhi was able to pull through the great ordeal he had imposed on himself and prolong his life for some service to mankind yet greater than any or all that he has been able to do. The public knew of the fast only on its 2nd day at the earliest and generally on the third day. One piece of good luck was that Shrimati Sarojani Nayudu was with him, besides Mrs. Gandhi and Mira Ben. Dr. Gilder who was a detenu lodged in the Yerawada Jail within a stone's throw of the Aga Khan's Palace was allowed to join his party so early as on February 11th. From the very outset Gandhi's walks were cut off as also his daily evening visit to the spot of Mahadev Desai's cremation. Amongst the first visitors to join Gandhi's party with the permission of Government were Mrs. Mahadev Desai with her son and a nephew of Gandhi. The sight of the widow and the orphaned youth must have been indescribably trying to Gandhi on this, the first occasion they met after that tragedy of tragedies which shaped in one sense and in a measure the History of India. Gandhi was fairly early removed to the inside of the palace, being taken out into the verandah for but two hours daily. By the fourth day, nausea began to appear bringing disturbed sleep in its train. A full report on Gandhi's health was duly submitted to Government by the Inspector-General and Lt. Col. Shah and Dr. Gilder. Gandhi's condition on the 15th February was not so satisfactory as on the 14th on account of the continuance of nausea and broken sleep. The Surgeon-General to the Government of Bombay repaired to Poona forthwith. Already friends and relatives of Gandhi were gathering in Poona awaiting Government's permission to see him. It was a great relief to Gandhi to hear that Professor Bhansali had broken his sympathetic fast. There was steady deterioration in Gandhi's condition on account of restlessness and difficulty in taking water. Dr. Bidhan Chandra Roy arrived in Poona on the 15th and continued to stay with him till the fast ended on March 3rd. Gandhi was examined by one Dr. Mandlik, a Ear, Nose and Throat Specialist. Gandhi's general condition continued to cause anxiety in the second week. Massage was given to him from the 16th February onwards. The next day heart action became feebler. Up to the afternoon of the 19th his condition was such that although he had nine hours' sleep he was not refreshed nor was he mentally alert. Evidences of uraemia or suppression of urine began to appear and naturally this deepened anxiety as to his condition. Dr. Sushila Nayyar, sister of Pyarelal, Gandhi's Secretary, joined the group of doctors and Bombay Government's bulletins began to be published from the 19th over the signatures of the six doctors,—M.D.D. Gilder, Major-General Candy, Surgeon General of Bombay, Dr. B. C. Roy, Lt. Col. Bhandari, I. G. P., Dr. Sushila Nayyar and Lt. Col. B. J. Shah. Gandhi's disinclination to talk as well as his apathy towards visitors were a source of worry to the doctors. His third son Ramadas saw him with his family. Mr. H. C. Bristow, Adviser to the Governor of Bombay, reached Poona apparently to ascertain Gandhi's conditions firsthand.

Excessive salivation now began to disturb sleep, but interest in visitors grew. Friends and relations were warned not to interview Gandhi and thus save strain on him. Many who had reached Poona abandoned their intended visit and relieved the tension of Gandhi's mind. It was on February 19th that Gandhi was appraised of the resignations of Mody, Sarker and Aney. His only reaction, it was said, was a feeble smile. The bulletin of February 20th declared that Gandhi's condition had changed for the worse and was very grave. On the 21st February, that is on the 12th day, Gandhi spent, so the bulletin declared, a restless day. He entered a crisis at 4 p.m. being seized with severe nausea and having almost fainted. The pulse became

nearly imperceptible. Later he was able to take water with sweet lime juice. He rallied from the crisis and slept 5½ hours during the night. February 22nd, was a Monday, the day of his silence. He appeared to be comfortable and was more cheerful. But the heart was weaker. On the 22nd night, he had only broken sleep and there was no appreciable change to record. His voice was distinct and he greeted visitors with a smile. With the commencement of the 3rd week, the uraemic symptoms became less prominent and Gandhi was looking cheerful. For the first time after the crisis, Gandhi was in good spirits on the 25th. He had a sponge-bath and massage that morning. After taking sweet lime juice and water for 2 days, Gandhi reduced the quantity to minimum that would enable him to drink water.

The bulletin of the 27th said that Gandhi once again became apathetic and was not quite so cheerful but on the next day, he was alert and in good spirits. The first of March was again a Monday. His strength and spirits were maintained but he was getting easily tired by visitors. On the 3rd March at 9 a.m. Gandhi broke his fast. But Government would not allow the function to be one of direct rejoicing by permitting the attendance of the visitors. The ceremony became the more solemn by the paucity of the numbers present but the visitors gathered elsewhere in the city and held a prayer meeting at which Mr. Aney was present.

Gandhi's further progress was uneventful and steady and even rapid, he with his reduced weight of 81 lbs. having regained the weight he had on arrest, namely 102 lbs. in the space of 3 weeks but the weight at the beginning of the fast was 109 lbs. and no information was available during his arrest as to further progress in weight.

" Among rumours current at the time of Gandhiji's critical condition, which persisted even after the end of the Fast and which even a historical account can hardly afford to omit from reference was one that a sufficient quantity of sandalwood was stored by Government for the cremation. Another related to a secret decision of Government to declare a day of national mourning and to fly flags at half-mast. The first rumour is believed to have emanated from foreign correspondents who had a meeting with a high official of the Government of India, from which Indians were excluded, when Gandhiji's condition was reported to be most critical. It was then stated that the official concerned had mentioned sandalwood as a final indication to the Foreign Press of Government's determination not to depart from their announced decision."....*India Unreconciled* page 212.

In this connection, it would be appropriate to incorporate here the letter sent by the President of the Congress on behalf of the Working Committee on February 13, 1943 to the Viceroy from their " unknown " abode :—

Dear Lord Linlithgow, My colleagues and I have read in yesterday's and day before yesterday's newspapers the recent correspondence that had passed between you and Mahatma Gandhi. In the course of your letter to Mahatma Gandhi numerous references have been made to the Congress and repeated and far reaching charges have been made against the Congress organization. In your letter of January 13, you express your regret that no word of condemnation for the violence and crime should have come from the Working Committee.

Ordinarily we would refrain from saying anything while we are kept in detention cut off completely from our people and the outside world. Even our place of detention is supposed to be a secret which may not be mentioned or whispered to any one. Our sources of information here are strictly limited and consist only of some newspapers which under existing rules and ordinances publish only censored news and are prohibited from giving publicity to many

kinds of news which are of vital importance to us and to the Indian people. In these circumstances it is obviously improper for us to give expression to any views in relation to events with which we are so ill-acquainted, especially when the only method of doing so open to us is to address the Government of India.

I wish to confine myself more especially to one issue and to make it clear that so far as we are concerned both as individuals and in our corporate capacity speaking on behalf of our organisation, your charge that the Congress had organised a secret movement of violence is wholly false and without foundation.

As an English patriot and a lover of British freedom, it should not be impossible for you to appreciate how Indian patriots and lovers of India's freedom might feel, and it should be possible for some element of fair-play and square dealing to be kept up in our relation to each other. To make serious charges against those who are prevented from replying to them, to make those charges (without producing evidence to support them) by the vast propaganda machine of a powerful Government and at the same time to supply news and views which are contrary to them are not evidence either of fair-play or a strong case.

In your letter of February 5, you say you have ample information that the campaign of sabotage has been conducted under secret instructions circulated in the name of the All-India Congress Committee. What your information is we do not know. But we do know and can state with authority that the A. I. C. C. at no time contemplated such a campaign and never issued such instructions secret or other. The A. I. C. C. was declared an unlawful association at the time of our arrest and practically all prominent and responsible Congressmen including the members of the A. I. C. C. were arrested. At the same time the A. I. C. C. office and other Congress offices were seized by the police. Since then the A. I. C. C. cannot obviously function.

You mention that an underground Congress organisation exists now and that the wife of a member of the Congress Working Committee is a member of it. We know nothing of such an organization and are not in a position to find out. We are convinced that no Congress organisation and no responsible Congressman or Congresswoman can be actually engaged in planning the bomb outrages and other acts of terrorism.

Congressmen no doubt consider it their duty to carry on Civil Resistance under certain circumstances to the best of their ability. But this has nothing in common with the charge you have made. It is possible that in the mind of the average official or policeman there is no particular difference between Civil Disobedience and bomb outrages, etc., but we have no doubt in our mind, knowing our people as we do, that responsible Congressmen cannot possibly encourage in any way bomb outrages and terroristic acts.

A great deal is said about secret organisations, evidence of which the Government claims to possess but which it does not produce. May I draw your attention to the public speeches delivered by Mahatma Gandhi at the last meeting of the A.I.C.C. on August 8, a few hours before his arrest wherein he emphasised with all solemnity his appeal for Non-violence? The Congress adopted this policy of Non-violence 23 years ago and despite popular lapses occasionally, has met with a great measure of success in regard to it.

This will be evident from a comparison of the Indian national movement with national movements in other countries which have often based themselves upon violence. You have no doubt yourself approved of violence in many forms when you have considered that it was used for a right cause. The Congress, however, has adhered to its creed and practice of Non-violence

and has for these 23 years preached this method to the people. If the Congress decides to change its policy and method and function in this matter like other national organisations, it would do so openly and deliberatly by changing its creed to that effect. There would be no secrecy, for apart from other valid reasons a conflict between public and secret advice stultifies any organisation which is based essentially on open action and constructive endeavour.

The Congress may have many faults but it has not been accused of lack of courage in the pursuit of its objectives and ideals.

I would suggest to you to consider what the result in India might have been if the Congress had deliberately instigated and encouraged violence and sabotages since the Congress is widespread and influential enough to have produced a situation a hundred times worse than anything that has so far happened.

In the summer of 1940 when France fell and England was facing dire peril, Congress which had been previously thinking in terms of direct action, deliberately avoided this in spite of strong demand for it. It did so entirely because it did not want to take advantage of a critical international situation or to encourage Nazi aggression in any way. Nothing would have been easier than for the Congress during those critical days to produce a situation of the utmost embarrassment to the Government.

For many weeks prior to our arrest we had been pointing out in Working Committee meetings, resolutions and otherwise, that public feeling in the country had grown exceedingly bitter against the British Government in India. Not only we, but many moderate leaders stated publicly that they had never previously known such bitterness. Responsible Congressmen tried to divert this feeling into peaceful channels and largely succeeded in doing so. They would have succeeded even more if events had not taken place which suddenly exasperated the public and at the same time removed all prominent and well-known leaders who might have been able to control the situation. These events are better known to you than to us, situated as we are ; but we have learnt enough to realise what the shock to the public must have been. Wholesale arrests were followed immediately by the prohibition and prevention of all public activity and all public expressions of opinion, by lathi charges, tear gas, bombs and shooting. Well-known leaders were spirited away and their destinations were kept secret. Rumours of death and illness spread and added to the public excitement was the back-ground of the happenings during the second week of August last.

I do not wish to deal here with subsequent events for their adequate consideration requires fuller knowledge than we possess here but I would like you to consider what the effect on the Indian people must have been of all that has been done to them on behalf of the Government since our arrest and how large numbers of people must have been driven to desperation.

Reference has been made in the Government *communique* accompanying the recent published correspondence to a certain circular which is said to have been issued by the Andhra Provincial Congress Committee. We know nothing of this and cannot believe that improper instructions against the fundamental principles of the Congress could have been issued by any responsible Congress authority.

It is worthy of note, however, that even official references to this circular contradict themselves. The first mention of it was made in a press note issued by the Government of Madras on August 29. In this it was stated that the circular contained instructions *inter alia* for the removal of rails. Two weeks later Mr. Amery speaking in the House of Commons stated that the circular

expressly said that rails should not be removed and that there should be no danger to life. This is an instructive and significant instance of how evidence is made up and used to influence people.

In your letter of February 5 in referring to the A.I.C.C. Resolution you draw attention to the concluding part in it which authorises Congressmen to act for themselves in the event of interference with the leadership of the movement. This has appeared significant to you and you have drawn certain conclusions from it. You are evidently unaware that similar instructions were given when previous civil disobedience movements were started. In the Individual Civil Disobedience movement of 1940-41 these instructions were repeated by me on many occasions. It is of the essence of Civil Disobedience or Satyagraha that individuals should become self-sufficient units, should need arise as leaders are always likely to be removed and isolated at an early stage. In the present instance, the phase of Civil Disobedience was not reached.

It is curious that in a fairly lengthy correspondence and in various official statements nothing is said about the merits of the resolution passed by the A.I.C.C. which dealt with the national and international situation and made it clear that a free India would not only resist invasion to the utmost but would throw all her resources into the world struggle for freedom and align herself with the United Nations. This was made perfectly clear in the resolution itself. It was further emphasised by me speaking as President and by many other speakers.

It must be known to you that ever since the early beginnings of Fascist Japanese and Nazi aggression in Africa, Asia and Europe, the Congress has consistently condemned them. No organisation in India or elsewhere has been so clear and emphatic on this subject.

The A. I. C. C. Resolution of August last was especially based upon the anti-Axis policy and in particular of the urgent necessity of strengthening India's defence against invasion. It was made clear and I emphasised it on that occasion that an acid test of the change was this defence of India and the strengthening of the United Nations. It may also be known to you that several members of the present British Government have in the past repeatedly supported or welcomed Fascism and Japanese aggression.

You conclude your letter to Mahatma Gandhi by saying that the charges against the Congress will have to be met sooner or later. We shall welcome that day when we can face the peoples of the world and leave the verdict to them. On that day others also including the British Government will have to meet and answer charges. I trust they will also welcome that day.

Yours Sincerely,
(Sd.) ABUL KALAM AZAD

The Government of India did not care to acknowledge the receipt of this letter except by asking the Superintendent to inform the Maulana that it had reached them. The letter saw the light of day, however, on the release of Dr. Syed Mahmood from the Ahmednagar Fort 'Detention Camp.' He gave it to the Press on the 1st of November.

### Reaction to the Fast—(A) Britain

The fortunate ending of Gandhi's fast in the first week of March rivetted public attention in England once again on the resolution of the Indian Deadlock. The *Manchester Guardian* in an editorial writes :

> " It is fortunate for the hope of ultimate friendship between us and India that Gandhi has not died. But it is untrue that the political situation in India remains the same....."

We may study the reactions of the world to the Fast. Britain's reaction stands foremost for the ready sympathy the fast evoked in all progressive schools of thought. Then comes the American reaction and finally the reaction in India.

British Newspapers of 11th February deduced from the correspondence between the Viceroy and Gandhi that the purpose of Gandhi's fast was to compel the Government of India to end his detention. The *Times* says :

> "....No one can be satisfied with the condition of Indian affairs, but those who are the least satisfied will most deplore Mr. Gandhi's decision.....Mr. Gandhi has rendered unique service to his country as promoter of national consciousness. He has failed wholly, however, to win the confidence of millions who do not accept his political leadership and to make his contribution to a fundamental agreement, without which no free constitution can exist and which no power can impose on India from without. His present move promises less than nothing towards that end. Its only fruit can be deeper dissension and possibly fresh disorder. Nor can the errors of British policy in the past be a stumbling block now....."

The London reactions and the conspiracy of silence by Fleet Street were wired out to the *Amrita Bazar Patrika* as follows on February 11th :— "The news of Gandhiji's decision to fast took London yesterday completely by surprise. Although correspondence between Gandhiji and the Viceroy had been going on since 31-12-1942, political circles in Britain were in the dark for the six weeks. In London itself, however, responsible opinion had not failed to emphasise that the decision should not be treated as an absurd performance on the part of Gandhiji. There was no attempt in those quarters to minimise the seriousness of the position arising from the fast. It was pointed out that even if Gandhiji survived the fast, it must seriously affect his health. Whether or not the fast promoted further unrest in India would in London opinion depend upon the psychological reaction of the Indian people to his decision. Thus far there was no information from India about the attitude of the Indian people except the report that Bombay stock markets were closed after hearing the news. It was not quite clear there whether the whole correspondence that passed between Gandhiji and the Viceroy had been made available to the Indian press. It was stated there that the Government of India was the best judge for determining to what extent the Indian press should be given the freedom of discussing the fast as well as publishing the correspondence.

On the other hand although the whole correspondence had been available in London early on the 10th morning, the London Press were reticent regarding attaching any importance to it. Except the *Times*, *Daily Telegraph*, *Daily Sketch*, no other London newspaper had taken editorial note of the fast. Practically all of them had given insignificant space to reporting Gandhiji's decision. Majority of them headlined it "Gandhi's political blackmail". But W. N. Ewer had his own choice of naming it "Gandhi's Palace Fast". The impression that one got was that somehow or other the bulk of Fleet Street entered into a sort of conspiracy of silence at any rate for the time being."

The *News Chronicle* and the *Daily Telegraph* gave very brief summaries of the new correspondence between the Viceroy and Gandhi and there were no editorial comments.

The following appears in the issue of Friday, February 12th of *New Statesman* from its diarist : " Very few Western people understand the complex motives which makes fasting a familiar and recognised practice in India.

I doubt if they will gain much enlightenment from reading the curious correspondence which passed between the Viceroy and Mr. Gandhi. Each accuses the other of responsibility for violence in India. The Viceroy calls fasting a political blackmail....."

The *Manchester Guardian* commenting on Mahatma Gandhi's disclaimer of responsibility for the recent disorders, said :

> "....From the time of the arrests, the Government has been entirely rigid in refusing to take or allow any action which might possibly have led to a relaxation of the tension.....Nothing was or is done and now Mr. Gandhi is embarking on a fast, which however much the Indian Government may disclaim responsibility, may move India to its depths."

Several Labour members of the Parliament felt restive and disturbed over the trend of events in India especially the detention of Mahatma Gandhi during his fast. Following the news from India about resignations of 3 members of the Viceroy's Council about 15 of them conferred on February 17th in the committee room of the Commons. Lord Strabolgi addressing a meeting in London called by the India League said that he dreaded the results on their future relations with the Hindus if Gandhi's fast had fatal results.

The Secretary of State for India, Mr. Amery, was asked in the Commons if, as a possible contribution towards the end of the present deadlock in India, he could not allow influential non-party men like Sir Tej Bahadur Sapru and Mr. Rajagopalachari to confer with Gandhi. Mr. Amery replied :

> " I am content to leave the question of interviews with Mr. Gandhi to the discretion of the Government of India."

Labourite Sorensen asked : " Does not Mr. Amery realise that a new situation has been created by the resignation of the three members of the Viceroy's Council and in view of that fact, could he not make some suggestion to the Viceroy that these contacts as suggested should be allowed."

Mr. Amery : No Sir."

The British Press in general called the demand for Gandhi's release " a political demand " " which could not be granted without setting in motion a train of events gravely prejudical to India's security and allied cause."

The Archbishop of Canterbury in a letter to the *Times* on 23rd February said :

> " Among the pressing pre-occupations of this time, there is some danger that we may forget the seriousness and urgency of the situation in India. It is clear that political deadlock is an expression of spritual alienation....."

On February 25th, a deputation including Canon Holland and a number of Labourite Members of Parliament waited on Mr. Amery in the House of Commons and urged the release of Gandhi and contact between Gandhi and Congress leaders. Mr. Amery answering questions in the Commons said that the British Government entirely agreed with the decision of the Government of India not to yield to Gandhi's efforts to enforce this unconditional release.

Only few British Newspapers commented on the termination of the Fast. *Daily Mail* and *Telegraph* hailed it as a victory for the British Government.

The Liberal Paper *Star* said that the fast had not produced the result Indians hope for.

Lord Strabolgi, speaking on March 3rd at a meeting of the India League in London, said that with the end of Gandhi's fast fresh negotiations with the

leaders of the Congress and other communities in India should be opened up immediately and the release of Gandhi might be the first step.

Professor Laski wrote in *Reynold's News* of March 9th, 1943 : " The British Government is very fortunate that Mahatma Gandhi did not die during the fast ; had he done so, the tragedy of misunderstanding between our two countries might have well been damaged beyond repair." At a thanksgiving meeting held in London on March 3rd, organised by the India League, Lord Strabolgi said that he was thankful that Gandhiji did not die while a Britain's prisoner. Miss Agatha Harrison said that Gandhiji was saved not only for India but for Humanity. Messages were received from Lord Huntingdon, Mr. Edward Thompson, Mr. Laurence Housman and the Dean of Canterbury expressing urgency of Gandhiji's release.

### (B) American Reaction

" The grave situation created in India by Mr. Gandhi's fast revived American interest in the Indian question. American newspapers and news agencies are now heavily represented in this country and many hundreds of words are being cabled daily to the United States on Mr. Gandhi's fast" said Mr. A. T. Steele, representative of the *Chicago Daily News* " (who was then in Karachi) in an interview.

Reactions in U.S.A. were different. Detailed report of Mahatma Gandhi's fast and the exchange of letters with the Viceroy were carried in all Metropolitan dailies' news columns. No New York and Washington papers commented on Gandhi's latest move up to the 12th February. Congressmen in U.S.A. said that they were unable to find time to follow Gandhi's activities and were therefore not prepared to comment on it.

The *New York Times* commenting editorially on February 22nd on Gandhi's fast wrote :

> " The Fast culminates a life spent in the cause of Indian Freedom .... Last week Mr. Gandhi's condition created a major crisis, Three Indian members of the Viceroy's Council resigned. Although the Viceroy remained adamant in his refusal to grant Mr. Gandhi freedom, all parties are agreed that matters would be complicated for the British, if he should die. Some authorities predicted outbreaks of increased violence while others said that the people would be too stunned with sorrow to do anything."

There were no further developments following the Conference on 20th February between the United States Secretary of State, Mr. Cordell Hull and the British Ambassador, Lord Halifax, when Mr. Hull expressed concern over the situation created by Gandhi's fast. Experts on India in the United States Government were naturally keenly interested in Gandhi's fast, its implications and possible fatal endowment but authoritative United States view could be crystalized only in the utterances of Mr. Hull or President Roosevelt.

On March 4th, The *New York Times* commenting on the termination of Gandhi's fast, asserted that moral victory had been gained by both sides and added "the episode has ended. The question now arises whether the time has now come to make a fresh start in India. We believe many people inBritain will ask themselves whether it is not possible now to take advantage of the opportunity that has come after precarious months of waiting ; whether the initiative cannot safely be taken by Great Britain now,.... whether negotiations could not start afresh as on the day before Sir Stafford Cripps arrived in India with proposals which proved abortive."

### (C) Reaction in India

One could hardly expect any diversity of opinion on the Fast in India. To the Indian there is something magical and mystic in a fast. It is in conformity with ancient tradition and present practice though on a smaller scale. But Anglo-Indian opinion is a different affair. Even amongst the organs voicing it, there was one, the *Statesman* which praised Gandhi as a personality but blamed him as a politician.

Almost the first important reaction in India was to summon a Leaders' Conference to consider the situation arising from Gandhi's fast. A Conference was called at New Delhi on February 18th to consider the situation. About 150 leading persons from all shades of public opinion were invited including Mr. Jinnah. But Mr. Jinnah refused to attend saying: "The situation arising out of Mr. Gandhi's fast is really a mattter for the Hindu leaders to consider."

Earliest among the public to speak was Dr. Shyamaprosad Mookerjee, Working President of the All-India Hindu Mahasabha in a statement: "There can be no solution of the Indian problem without Mahatma Gandhi."

Mr. G. L. Mehta, President of the Federation of Indian Chambers of Commerce and Industry in a telegram to His Excellency the Viceroy said: "If Gandhiji's decision to fast could not be altered, the Government should at least have unconditionally released him....." Pandit Madan Mohan Malaviya sent the following cablegram to the British Prime Minister, Mr. Churchill on February 20th:

> "For the sake of India and of England I venture to make this last-minute appeal to you to release Mahatma Gandhi.....If Gandhi's life is lost, the possibility of friendly relations between India and England will be seriously jeopardised....."

The view that Government ran no risk if they released Gandhi now that his life was in danger, and that there was no loss of prestige, was expressed by Mr. Arthur Moore in a statement.

There were numerous appeals to the Viceroy from all over India to release Gandhi unconditionally. Two interesting events deserve notice in this connection. Amongst the numerous meetings held in the country demanding Gandhi's release was one presided over by Justice Biswas in Calcutta and another,—of the clerks of the Government of India Secretariat, held opposite the Secretariat Buildings in New Delhi.

At 9 o'clock on the morning of March 3rd, Gandhi broke the 21-day fast with a small glass of orange juice and a tea-spoonful of glucose. This was the seventeenth fast which Gandhi has undergone and the fifth major fast. But none of them had caused greater anxiety and alarm to the doctors as well as to the public than the present fast, when as Dr. Bidhan Chandra Roy put it, "he was very near death." When the grave tone of the medical bulletins was recalled to Dr. B. C. Roy, he exclaimed: "Mahatmaji fooled us all." Dr. B. C. Roy addressing a meeting of the staff and students of the Calcutta University revealed what Gandhi said after the fast was over: "I do not know why providence has saved me on this occasion, possibly it is because he has some more mission for me to fulfil."

Mr. Horace Alexander, Chief of the Friends' Ambulance Unit (India), who had been in Poona and saw Gandhi twice during the period of his fast, said that whatever other significance Gandhi's fast might have "To me I think above all, it is a call to rededication. In part, to me, it is solemn act of self-purification and re-dedication for the sins and sufferings of India and of the world....."

The fast ended but Government adopted an unexpected course in having ordered that no visitors except Gandhi's sons should be permitted to be present at the time of breaking the fast and that any statement emanating from Gandhi or from persons having access to him, should be pressadvised by the Provincial Press Adviser before they could be published. This prohibitory order continued to be in force for a period of six months and 21 days. Suddenly on the 24th of September, the Bombay Government flung a surprise on the public of India that they had " withdrawn their order requiring submission for the scrutiny of the Provincial Press—Adviser of all the statements emanating from Mr. Gandhi or from persons having access to him." This was undoubtedly far the most intriguing statement made by the Government of Bombay at a time when the political outlook was assuming all the colours of the sky at sunset. Lord Linlithgow was to leave India in about three weeks. The new Viceroy designate was making forecasts of his future work, its difficulties and dangers and his hopes and ambitions in that behalf, in valedictory addresses and farewell speeches. No one was expecting a statement from Gandhi at this hour. He had broken his fast on the 3rd March, 1943 and 2nd March was the last day on which any friend had met him and had conversations if any. Six months and twenty days had elapsed and any statement which such friends might have had to make would be stale and out of time. Why then did the Bombay Government make this announcement which appears to have been somewhat pompously broadcast on the radio on the previous day. Echo answers, why?

### The Fast Ended

The great ordeal ended. It was an ordeal far more severe than the ordeals of fire and water of the ancient days, because it was prolonged and not momentary, it was self-imposed and not extraneous. What the British Government would not do, Gandhi's pious resolve and the prayerful appeals to a higher tribunal of the whole world successded in achieving, namely, saving Gandhi from the jaws of death. Verily Faith is greater than knowledge and " works " wrought by faith have the potency of miracles. The survival of Gandhi gave point to the old problem from which his fast arose. Every one was curious, yea, anxious to know what would be the next step? Would Authority at least now relent, and with a spirit of penitence, make amends for its callousness of heart and impenetrability of mind. The occasion recalls a statement made later in May 1943 by Bernard Shaw the authorized version of which runs as follows :—" You may quote me as declaring that the imprisonment of Gandhi is the stupid blunder the Government has let itself be landed in by its Right wing incurable die-hards. It and the impardonable flogging business, associated with it, have wiped out our moral case against Hitler. The King should release Mr. Gandhi unconditionally as an act of grace unconnected with policy and apologise to him for the mental defectiveness of his Cabinet. That would do what is possible to save the Indian situation." Brave words these and just ones too, but statesmanship was bankrupt if not dead in Europe and what little remained was obsessed with Western superiority of race, civilization and weapons of murderous warfare!

The British worship at the shrine of Prestige—that word which Montague apostraphised in 1912 while he was Under Secretary of State for India and he then prayed for its obliteration from the English dictionary. But the word survives in the lexicon of life. Law is to the British more than all life, though life is immensely richer, more complex and more human than law or logic. Thus the conflict between Britain and India in which the fast took origin continued unabated, if anything in an aggravated form, as not merely

the cause but also as the inevitable effect. Gandhi's letters to the Viceroy in August and September made it amply clear that he would be parepared to examine Government's charges against himself and the Congress and dissociate both from them, on being satisfied with the evidence in this behalf. But any condemnation of violence, any withdrawal of resolutions when effected while under duress, would be of no greater value than confessions made to the Police. Take the accused before the magistrate or the judge and record the statements for them to be of value as evidence. This is an elementary procedure in British Law ! Would not a condemnation and a withdrawal based upon appreciation of evidence be of real moral value to Government ? But what have Governments to do with moral values or ethical standards ? They are the phantasies of saints for whom modern day politics has no place in the economy of the state !

No, it was Gandhi and Gandhism that Churchill was out to crush for long. This Satyagraha is a weapon far too powerful in the hands of an Oriental nation under the leadership of a saint and statesman for all the modern weapons of Western warfare. It was not enough that Gandhi was a party to the Bombay Resolution offering armed help to the allied nations. It was nothing to Britain if Gandhi abjured all plans of Congress and undertook to co-operate with Mr. Jinnah as the premier of the National Government. Yes, history repeats itself. It was open to the British to have allowed the American colonies to set up their home, but ' toil and tears and blood and sweat ' had to effect the separation. When destiny drags one from in front and fates drive one from behind, there is no force that can overcome either *via a tergo* or *vis a fronte*. It is the Irishman that is jocularly reported to have said " I will be drowned, nobody shall save me." But latterly, John Bull seems to have copied the wisdom of Pat across the Irish Channel..

There are certain points of general interest to note in regard to the Fast. The considerateness with which the gates of the Aga Khan Palace were thrown open to visitors although it was first limited to family members, relations and those whom Gandhi wished to see, soon lost its rigidity and innumerable visitors lined the pathway to what had by now become a pilgrimage, for the general apprehension was that the country was to witness a self-immolation. It was made amply clear what the fast to capacity meant and what it did not mean.

The *United Press* learns from a leading personality credited with the knowledge of Gandhi's mind that the general interpretation given to Gandhi's statement in his letter to the Viceroy that his fast was a fast " according to capacity " and therefore he could give it up any moment if his capacity was found to be at its end, was wrong. On certain previous occasions as during his fast in connection with the Communal Award, Gandhi declared that the fast would be unto death, unless a satisfactory settlement was reached, but this time the fast was according to capacity, which meant up to three weeks, which, he thought before he embarked on it, to be his capacity this time. It was, therefore, to continue till the end of the stipulated period of three weeks unless it ended earlier in death or release.

Amongst the visitors were the old friends and fellow workers of Gandhi including two English friends, Mr. Alexander and Mr. Symmond. The presence of C. Rajagopalachari, G. D. Birla, Bhulabhai Desai and Munshi and K. Srinivasan led people to think that the talks might tend to become political towards the fag end of the fast and such an inference was not altogether unfounded since in the request made to the Viceroy for permission to see Gandhi after the fast, it was broadly hinted by the leaders concerned that there were grounds for the hope that further talks might prove fruitful

in resolving the deadlock. Another little incident connected with the fast was that (1) the three-line statement issued by Mr. William Philips that " phases of the situation in India requiring discussion are being handled by the high officials of the Governments of the United States and Great Britain " created little enthusiasm in political circle at Poona, who felt that " whatever is to be done must be done before it is too late " and (2) that C. Rajagopalachari had a second meeting on Monday with Mr. William Philips in connection with Gandhi's fast. The first meeting between them took place on February 19 when the Leaders' Conference opened in New Delhi. The public were inclined to interpret this hint from Mr. Philips that he was referring to talks between Lord Halifax and Cordell Hull but the latter's statement cleared all doubt in the matter. A third point of interest and one, in fact, of the utmost interest was that as a token of their veneration and affection for Gandhi the Bombay Stock Exchange collected a sum of Rs. 50,000 for the relief of people and cattle. Rs. 35,000 are allocated to the Bijapur Famine Relief Committee for relief of people and cattle, Rs. 3,000 to the Chimur Relief Fund and Rs. 4,000 to different institutions for relief of cattle. One other and important point was a scandalous legend which grew in connection with the fast that something like food was administered to Gandhi secretly to save his life during the crisis on the 10th to 12th. It is appropriate that two authoritative statements of fact by Devadas Gandhi and Dr. B. C. Roy be incorporated here :

Mr. Devadas Gandhi, who returned from Poona to Bombay on March 7th after seeing Gandhi issued the following statement to the press :

> ".....Then there is the sweet lime juice story. I do not exactly know the fruit called ' sweet lime.' But a foreign correspondent very naturally asked me whether he would be right in drawing the inference that something sweet like honey or glucose, had been added to the juice. To my knowledge the plain word " orange" is used in English to mean both " mosambi " and " santara". And it was mosambi juice, miscalled sweet lime juice, that was added in minute quantities to the water with no admixture of anything else. The change from lemon juice to orange juice was made, in accordance with the terms of the fast, when for two days it had become impossible for Gandhiji to drink water and it took him five minutes to gulp one ounce of water. I believe he took an average of less than six ounces of juice mixed in sixty ounces of water per day during the fast."

And here is Dr. B. C. Roy's elucidation of facts on the conclusion of Gandhi's fast :

> " There are more things in heaven and earth than are dreamt of by many of us. Mahatma Gandhi had told the doctors attending on him that in case he became unconscious he should not be given nourishment of any kind, and the doctors fulfilled this duty of carrying out his wishes. If he could not take the water he needed owing to nausea, he was prepared, however, to mix it with substances that would make it more palatable, such as potassium citrate, sodium citrate, or even, to some extent with sweet lime. As soon as he was able to take the water he needed, Mahatma Gandhiji dropped the quantity of sweet lime juice that was mixed with it....."

Finally we may refer here to America's deep but subdued sympathy with Indian aspirations and disabilities. The great fast of Gandhi gave occasion for demonstrations of America's true democratic and humanitarian spirit. While it is true that all over India unknown to the public there were hundreds of people who observed the full 21 day fast almost concurrently

with Gandhi and millions who observed symbolic fasts varying from a day to a week or ten days, the news that in America, a sympathetic fast was observed, bears a measure of significance only commensurate with its unexpectedness. On this subject Hilda Wierum Boulter writes to the Press and we quote the relevant passage :

> " But throughout the length and breadth of America the great majority of the people are uneasily conscious that their friend, cousin and present Ally, Great Britain, is not behaving towards the people of India as they would have expected her to behave. The people of America, while aware that they do not completely understand the whole complex problem of India are sure that there is a moral issue involved, and that on this moral issue they do not approve of the present policy of the British Government. There are many aspects of the problem of India which trouble the people of America, but they are sympathetic towards the people of India just the same....".

## The Resignations

It has often been stated in relation to India's agitation since the birth of the Congress that the Englishman understands only two things,—the murder of some high officer or the resignation of some high official. The Congress would not, however, endorse the former and could not induce the latter. So it was that it took to Satyagraha and a programme of suffering ranging from lathi charges by Police to fasts. It is true that earlier in its history India witnessed some notable resignations such as of Sir S. P. Sinha, Sir Tej Bahadur Sapru and Sir Shankaran Nair of their membership of the Executive Council as a protest against the repressive policies of Government from time to time. On the 17th of February 1943, however, a week after Gandhi's fast had begun, India witnessed the most magnificent, the most spectacular and the most timely of these resignations when Sir H. P. Mody and Shris. Aney and Sarkar resigned from the Executive Council of the Government of India as a protest against Government's failure to release Gandhi. We append below the *communique* of Government and relevant statements by each of the three noble sons of India :—

> " The Hon'ble Sir H. P. Mody, K.B.E., the Hon'ble Mr. N. R. Sarker and the Hon'ble Mr. M. S. Aney having tendered their resignations of the office of Member of the Governor-General's Executive Council, His Excellency the Governor-General has accepted their resignations."
>
> A joint statement issued by the three says :
>
> " Our resignations from His Excellency the Governor-General's Council have been announced, and all that we desire to do is to say by way of explanation that certain differences arose on what we regarded as a fundamental issue (the issue of the action to be taken on Mahatma Gandhi's fast) and we felt we could no longer retain our offices. We wish to place on record our warm appreciation of the courtesy and consideration His Excellency the Viceroy extended to us throughout the period during which we had the privilege of being associated with him in the government of the country."

We have yet to deal with the most outstanding event arrived at from the fast. India left no stone unturned in striving to save Gandhi's life. Appeals to Government failed and prayers to the Almighty remained the only chance. Danger begets faith even in the sceptic and millions offered prayers in this behalf to whom the thought is perhaps a strange one. The nation could not be content with it. The leaders felt that organized effort should be made

to save Gandhi's life, by addressing themselves to the solution of the larger problem of the political deadlock in India. A crisis may induce reasonableness in men's minds which is not in evidence during times of peace and tranquillity. And so far as Gandhi is concerned he is always ready to pay heed to counsels of wisdom and moderation. Accordingly the initiative was taken fairly early in the fast by public men noted for their sobriety and sedateness to convene a conference of one hundred and fifty good men and true, and the date fixed was the 17th February. Ultimately the conference met on the 19th February and set itself to work in earnest. Time was the essence of agitation. Accordingly the Drafting Committee of the Leaders' Conference which met at New Delhi on 19th February adopted a resolution urging the release of Mahatma Gandhi.

In view of the reports received about Gandhi's health, the Committee resolved to send the draft resolution to the Viceroy for immediate action. The resolution was placed before the conference on the 20th February and speakers on it included Dr. Jayakar, Sir Maharaj Sing, Sir A. H. Ghaznavi, Dr. Shyama Prasad Mookerjee, Sir Tej Bahadur Sapru, Master Tara Singh and Mr. N. M. Joshi. The Committee appealed to the people of all creeds and communities to offer special prayers on Sunday, February 21, for Gandhi's life.

Sir Tej Bahadur Sapru presided over the open session held on the 20th February and in the course of his eloquent address breathing a new fire and fervour, he stated :

> " .....I believe, that one lesson, which is reinforced by British history, is that the British Government has always settled with rebels rather than with loyalists. I am not downhearted when Mahatma Gandhi is put down by the Home Member as a rebel. I still live in the hope there will be a settlement with these rebels and when it itakes place, men like you and me will be ignored.....Personally I am not in a very hopeful frame of mind, because if Government had intended to release him they would not have accepted the resignation of the three members. But whatever may be the situation we have got our duty. We have got to show that we are anxious for reconciliation for settling down for constructive work and we are insistent that Mahatma Gandhi should be released at once."

The Standing Committee sent a cable demanding the release of Gandhi, to the Prime Minister Mr. Churchill, copies of which were sent to Mr. Arthur Greenwood, Leader of the Opposition and Sir Percy Harris, Leader of the Liberal Party in the House of Commons. In reply to the Cable, Mr. Churchill said from his sick bed :—

> " The Government of India decided last August that Mr. Gandhi and other leaders of Congress must be detained for reasons which have been fully explained and are well understood. The reasons for that decision have not ceased to exist and His Majesty's Government endorse the determination of the Government of India not to be deflected from their duty towards the peoples of India and of the United Nations by Mr. Gandhi's attempt to secure his unconditional release by fasting. The first duty of the Government of India and of His Majesty's Government is to defend the soil of India from invasion by which it is still menaced and to enable India to play her part in the general cause of the United Nations. There can be no justification for discriminating between Mr. Gandhi and other Congress Leaders. The responsibility, therefore, rests entirely with Mr. Gandhi himself."

When the Fast is studied in all its phases, there remains one mystery uncleared namely why Gandhi's letter of the 23rd September, 1942 in which he deplored the reported destruction was not given due publicity. This mystery relating to the Viceroy-Gandhi letters was however cleared by Mr. Amery's statement of 25th June, 1943.

Mr. Amery, dealt in the House of Commons with an assertion by Mr. Sorensen (Labour) that a letter from Gandhi to the Viceroy on September 23, 1942, condemning violence, was omitted from the published correspondence. Mr. Sorensen asked why no reference was made either by the Viceroy or the Secretary of State for India to the existence of this letter. Mr. Amery said :—

> " Mr. Sorensen is under a misapprehension. The only letter received from Mr. Gandhi during September was addressed not to the Viceroy but to the Secretary of the Home Department of the Government of India. This was dated September 23 and was so described in the material given to the Press in India. It was referred to in Mr. Gandhi's letter of January 19, though incorrectly, as the letter of September 21, and was consequently so described in the correspondence given to the Press in London. While referring to the " reported deplorable destruction " he said that the responsibility for it rested with Government and not with the Congress Party, and did not categorically condemn acts of violence."

Mr. Sorensen said that Mr. Rajagopalachari had specifically stated that the letter was sent by Mr. Gandhi condemning these acts of violence. He asked if this was known to the Viceroy and why nothing was said about it at the time when Mr. Gandhi was being criticised for not expressing an opinion on these acts of violence. Mr. Amery said :

> " No. Either Mr. Sorensen or Mr. Rajagopalachari has been misled, however unwittingly, by the slip of Mr. Gandhi's pen."

Mr. Amery's statement cannot go unchallenged presenting as it does two or more equivocations. In the first place, the professed publication of Gandhi's letter of the 23rd September, 1942, was done doubtless but done as part of the correspondence on the Fast on the 14th February 1943, that is 4 days subsequent to its commencement. One is apt to think from Mr. Amery's statement that it was published in September 1942. If it had been published in its entirety then and there, Gandhi's condemnation of the acts of violence by people outside would have had a telling and forthright effect in subduing them. Mr. Amery's contention however is that the condemnation was not categorical, but that he had only referred to the reported deplorable destruction. "No" he said a good deal more. He "claimed that the Congress policy still remains unequivocally non-violent" and in respect of sabotage he stated " surely the Government have ample resources to deal with any overt act of violence." Mr. Amery refers to Mr. Rajagopalachari. Let the latter speak for himself through his communication to the Press on March 8th, 3 months before the interpellation in the Commons. Says C. R.:—

"Ever since the Gandhi-Linlithgow correspondence was published on February 10th, one outstanding fact that has transpired in that correspondence has given cause for much puzzlement. No explanation has yet been tendered by the official world. Gandhiji's disapproval of the acts of sabotage and violence that followed his arrest was explicitly expressed in his letter to the Government of India dated 23rd September, 1942. Had this letter or the substance of it been published at the time, it would have effectively stopped the exploitation of his name as well as of the Congress by those who carried

on and encouraged these acts. The suppression of this letter gives rise to the feeling that once the situation was thought by the Government to be in hand, they preferred repression to being under any obligation to Gandhiji. The battle between sabotage and repression was permitted to go on, so to say in complete darkness as to Gandhiji's views. Those who felt that secret organisation and destruction of public property could not possibly have been advised by Gandhiji and who deplored the progress of repression have a right to complain that Gandhiji's letter to the Government of India in September last should not have been suppressed.

The Viceroy, when he saw me in November deplored the absence of any condemnation of these happenings on Gandhiji's part though he had newspapers. On November 12, after my request was refused by the Viceroy, I said to the press at New Delhi : " If I had thought that there was the slightest chance of the present disturbances being encouraged by the fact of my visit I would not have thought of asking for permission for the visit. My views are so clear and so well-known that I hoped that even the fact of my visit would discourage the disturbances and automatically switch the mind of the people engaged in the disturbances to the result of my talks, and is, therefore, in my opinion, most unfortunate that the Viceroy has decided to refuse the chance of settlement." The next day, in another statement I said to the press that " It was unfair to expect Gandhiji from inside prison to express an opinion on what is happening without being asked by anyone, and that it was one of the things I had intended to elicit from Gandhiji if I had been permitted to see him." Little did I know when I made these statements on November 12 and 13 that the Viceroy had this letter of September 23 from Gandhiji in his hands all the time. Even if the Viceroy had grounds to be dissatisfied with the letter on account of its other contents and deficiencies, if he had told me something about the letter, many innocent people could have been saved from much suffering.—*Hindu.*

At a Press Conference at New Delhi on February 22, 1943, Sir Tej Bahadur Sapru declared : "Had the letter been published at that time, the public would have realized that the Mahatma's loyalty to the doctrine of Non-violence was as strong as before, and it would have strengthened the hands of men like Mr. Rajagopalachari in telling the public that those who were creating the disturbance were doing so against the Mahatma's whole life." Mr. Rajagopalachari himself, on March 9, reiterated the point and rightly claimed that timely publication of the letter would have " effectively stopped the exploitation of the Mahatma's name " by those engaged in violence.

The letter had possibilities of good, but the authorities chose to maintain their own method of combating the movement. When "C. R." sought an interview with Mahatma Gandhi in November 1942, one of his objects, he said, was to find out why the Mahatma had kept silent. The Mahatma had not done so ; but " C. R." had no means of knowing this. These points Mr. Amery has not tried to answer and declared instead that Mr. Rajagopalachari was "misled " by " a slip of Mr. Gandhi's pen."

### Smuts on the Fast

"Maude Royden combats Mr. Colles who had written a letter on Gandhi's Fast which he concluded saying, " Let us be careful not to let Mahatmaji bamboozle us again." She quotes Field Marshall Smuts on the *Technique of Fasting.* F. M. Smuts does not defend or denounce this strange method of coercion or conviction.

"He (Gandhi) makes himself a sufferer in order to make him move the sympathy and gain the support of others from the cause he has at heart. Where ordinary political methods of reasoning and persuasion fail, he falls back on this new technique based upon the ancient practices of India and the East. It is a procedure which deserves the attention of political thinkers. It is Gandhi's destructive contribution to political method.

"Let me conclude with one other thought. Many people, even some, who admire him sincerely, will differ from some of his ideas and some of his ways of doing things. His style of doing things is individual, is his own and as in this case does not conform to the usual standards. But however often we may differ from him, we are conscious all the time of his sincerity, his unselfishness and above all of his fundamental and universal humanity. He always acts as a great human, with deep sympathy for men of all classes and all races and especially for the underdog. His outlook has nothing sectional about it but is distinguished by that universal and eternal human which is the hall-mark of true greatness." *Time & Tide*, May 1st, 1943.

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## GANDHIJI'S FASTS

(1) 1918. For the Ahmedabad Mill workers' wage increase. A fast unto death. Ended in three days.

(2) 1921. To allay the disorders in Bombay at the time of Prince of Wales's visit. Five days fast.

Hindu-Muslim differences and communal riots in different parts of the country in 1924 led to a twenty-one days fast. It was undertaken in Delhi at the residence of Maulana Mahomed Ali. Never before in the public life of India did an act of self-immolation by an individual stir the conscience of the country's leaders so deeply. An all-party conference was hastily summoned, and on the leaders' pleding "to do their utmost to ensure that his resolutions are carried out and all violators strictly condemned," the fast was given up.

In November 1925 Mahatma Gandhi discovered an error among the inmates of Sabarmati Ashram and this led to a seven-days fast.

In 1932, Mahatma Gandhi was serving a term of imprisonment at Yeravada Jail, when the Communal Award was announced. He decided to stake his life to avert the disaster of an electoral division among Hindu ranks. A fast unto death was undertaken. No food was to be taken, save water with or without salt or soda, from the noon of September 20.

Five days later, the Poona Pact was signed as a result of which the Depressed Classes agreed to forego separate electorates on the assurance of constitutional safeguards. A Government *communiqne* issued later conveyed official affirmation and acceptance of the pact. The fast was broken and the Harijan movement was born for the removal of the social disabilities of the Depressed Classes.

There can be no doubt as to the triumph of this fast. It unsettled a settled constitutional fact and whipped Hindu society into a vigorous campaign for removal of untouchability. Reforms achieved under the stress of the fast would perhaps, in the ordinary course, have taken a decade to bring about.

Hardly two months had passed, when Gandhiji entered upon another fast because the jail authorities refused permission to Appa Saheb Patwardhan to do scavenger's work. The authorities yielded before he had fasted two days.

Meantime the work of Harijan reform went apace. From distant Malabar Kelappan started Satyagraha for securing Harijans' entry into the

famous temple at Guruvayur. An announcement went forth from Mahatma Gandhi that a fast would be inevtitable if orthodoxy was unrelenting. Conservatism was surmounted and the people of Guruvayur voted by an overwhelming majority in favour of removal of restrictions.

But in May, the same year, Mahatma Gandhi went on a self-purificatory fast for 21 days. It was " a heart prayer for purification of myself and my associates for greater vigilance and watchfulness in connection with the Harijan cause." Government released Gandhiji on the same day. The fast was successfully concluded on May 29 at "Parnakuti" in Poona.

In July 1934, an irate reformer attacked an oppoent of Harijan movement with a lathi. Mahatma Gandhi, was pained at the betrayal of violence and undertook a seven days' fast as penance for the intolerance shown by opponents towards one another."

The next fast in chronological order is that connected with the Rajkot incident in 1939 directed against the ruler of this small Kathiawar State on March 3. Viceroy's intervention led to the appointment of Sir Maurice Gwyer as arbitrator and the fast was given up on the fifth day. Sir Maurice's award upheld Gandhiji's contention, but two months later, Gandhiji declared that he had detected a tinge of violence in his fast, and, therefore, considered the pact null and void.

On February 10, 1943 Mahatma Gandhi, while under detention at the Aga Khan Palace, started " a fast according to capacity. This was of twenty-one days' duration.

### Bhansali's Fast

At the time of the fast, the public were greatly agitated to know whether Gandhi was permitted to get into touch with Prof. Bhansali. The correspondence published in June 1944 throws light on the subject. Gandhi wired to the Secretary. Home Department, Bombay Government on 24-11-1942 as follows :—

> " Professor Bhansali one time fellow, Elphinstone College, left College in 1926 and joined Sabarmati Ashram. He is reported by daily press to be fasting without water near Sevagram Ashram, Wardha, over alleged Chimur excesses. Would like establish direct telegraphic contact with him through Superintendent for ascertaining cause of fasting, his condition. I would like to dissuade him if I find his fast morally unjustified. I make this request for humanity's sake.—M. K. Gandhi."

To that telegram of 24th November which Gandhi requested the Inspector-General of Prisons to communicate to the Bombay Government by telephone or wire, the Bombay Government replied on 30th November, 1942 that " Government is unable to sanction your request to be allowed to communicate with him. If however you desire to advise him for humanitarian reasons to abandon this fast, this Government will make arrangements to communicate your advice to him." The letter reached Gandhi 10 days after (3rd December) after the despatch of his message.

" I am sorry " says Gandhi, " for the Government's rejection of my request, as I believe in the legitimacy and even necessity of fasting under given circumstances. I am unable to advise abandonment of Prof. Bhansali's fast, unless I know that he has no justifying reason for it. If the newspaper report is to be believed, there seems to be legitimate grounds for his fast and I must be content to lose my friend, if I must.—M. K. Gandhi."

Prof. Bhansali, an inmate of the Sevagram Ashram and an associate of Mahatma Gandhi, approached the Hon'ble Mr. M. S. Aney, Member of the Viceroy's Council, at his official residence at New Delhi on November 1st

in order to bring to his notice reports of alleged excesses committed by the police and the military during the recent disturbances in the Central Provinces. Prof. Bhansali told Mr. Aney that reports of the happenings like those alleged to have taken place at Chimur (in the C. P.) were painful in their nature. The Secretary of State had been telling Parliament and through it, the world outside that the measures taken by the Government of India to suppress the movement had the support of the Indian Members of the Executive Council who were in a majority. Prof. Bhansali, therefore, requested Mr. Aney to use his influence with the Government for getting appointed a committee of inquiry into these complaints and to see that such things, if true, were not repeated in future.

Mr. Aney replied that he had received Dr. Moonje's statement as well as a representation from some Nagpur ladies about the occurrence at Chimur, besides a large number of letters from members of the public. As much time had elapsed since the events took place, it was not easy to do anything about it now.

Prof. Bhansali then urged Mr. Aney that he himself and any one else, who was willing, should go to Chimur and make inquiries on the spot. Mr. Aney told Prof. Bhansali that he was not prepared to undertake any such investigation.

Mr. Aney then blamed Mahatma Gandhi and the Congress for all these happenings, since they had started the present struggle despite all his warnings. They should have thought of these things before launching the movement.

Prof. Bhansali said that he understood Mr. Aney's trend of thought, but happenings like those at Chimur were very painful to him. If Mr. Aney found himself helpless even in getting appointed an inquiry committee into the affair, he should resign his membership of the Government and make it clear that he did not favour the attitude and policy of the Government in these matters.

Prof. Bhansali was then left with his companion, Mr. Balvantsingh. He abstained from food and water and in the afternoon also imposed silence upon himself. At about 5-30 p.m. an order was served upon him and Mr. Balvantsingh, signed by the Deputy Commissioner, ordering him under the Defence of India Rules to leave the limits of Delhi Province within three hours as his presence was considered to be undesirable. Prof. Bhansali was arrested at 9-45 p.m. and taken to the New Delhi Police Station and thereafter taken to Wardha.

*The Hindu* wrote a trenchant editorial at the time which we reproduce below :—

> " Prof. Bhansali's purpose in seeking the interview was to impress on Mr. Aney the necessity for a judicial enquiry into the conduct of the police and soldiers at the village of Chimur in the C. P. during the disturbances that took place there in the middle of August. A number of officials were killed in that outbreak ; and it is alleged that when police and military forces were despatched there and wholesale arrests of the male population were made, an orgy of rape and looting was indulged in. These allegations were brought to the notice of the local Government by Dr. Moonje and by certain ladies of Nagpur who visited Chimur in September. In a long *communique* issued about the middle of October the C. P. Government announced their decision not to order an enquiry into the allegations, and tried—very unconvincingly —to defend this decision."

The events that followed in the wake of the resolution of the A. I. C. C. passed in Bombay on the 8th August were of a variegated character. For a

demonstration of non-violent reaction and resistance to what is considered Executive arbitrariness and irresponsibility the fast embarked upon by Prof. Bhansali would have few equals in history. Prof. Bhansali must not be visualised by the designative prefix of Professor as a burly professor of portentous dimensions accounted *cap-a-pie* in dresses fashioned in Oxford Street or Bond Street or at any rate, in Whiteaway Laidlaw or Asquith and Lord. He is, it is true, a tall, well made man of big build and stature with only a loin cloth not reaching above the loins or below half the thigh, with a stout big rope round his waist. One might take him for a convalescent lunatic fresh from a mental hospital or a member of the aboriginal tribes rescued from the wilds of Bhilisthan or the Santhal Paraganas or at best when seen in the Sevagram Ashram in the burning sun at 11 A.M., during the breakfast hour, teaching a little urchin the alphabet, folk-tales or the wonders of the world, as a Primary School Teacher receiving no grant from Government but making his living by obtaining *per capita* allowances or doles from the village residents. Like the saint of Pownar, Vinoba who was unearthed from his obscure Ashram and thrown up into the world of politics at the time of Individual Civil Disobedience as its *rahbar* or leader even so Bhansali has emerged into publicity and into—shall we not say, fame, by his magnificent fast of 62 days undertaken according to the strictest rules of Satyagraha in order to secure justice for the people of a village called Chimur, where the women subjected to alleged military excesses, had no relief, no attention, no person to complain to, who would witness their grief and hear their grievance. Unable to bear the measure of helplessness suffered by these God-forsaken and Government-forsaken villagers, the professor went to Delhi to see Mr. Aney and appraise him of the happenings in Chimur. Why he chose Aney is clear. Chimur is situated in the C.P., Wardha District is not far away from Mr. Aney's place in Berar. Ties of common language and a common province must normally bring together two citizens close knit by common sympathies not merely of local but of wider humanitarian origin. Hon'ble Mr. Aney pleaded inability to do anything and felt unable to accompany Bhansali to Chimur and the latter was ordered to quit Delhi by the earliest train. When he failed to do so, he was arrested and entrained to Wardha. A press message of 28th November stated as follows :—

> " It may be recalled that after his return from Delhi, where he had been to interview Mr. M. S. Aney in connection with the alleged military excesses in Chimur village, Prof. Bhansali went on fast at Chimur on November 11 as a protest against the Government's refusal to hold an enquiry. The request of friends that he should at least take water during the fast has not met with success. The police brought him back to Sewagram on November 13. Prof. Bhasanli started on foot on November 19 and reached Chimur on November 22, a distance of 62 miles. The police again brought him back to Sewagram on the 23rd and on the 25th Prof. Bhansali again started for Chimur on foot. He was arrested again on November 27th after he had covered 45 miles.

The *Hitavada* of Nagpur published on 9-12-'42 a telegram sent by Mr. Aney to Prof. Bhansali : " Pray give up fast. Myself trying what I deem proper and possible with faith in God for success of righteous cause." Prof. Bhansali, in reply sent a telegram stating that his cause is righteous and purely holy and that he feels honour in offering his life. He wished early success to Mr. Aney's efforts and requested him to visit Chimur. A press report on December 12, says: " Prof. Bhansali. . . . has entered his 33rd day of fast to-day. He is lying at the guest-house of the late Seth Jamnalal

Bajaj at Wardha. Mr. K. M. Munshi left for Wardha this evening with a view to persuading him to give up his fast."

After this bit of news nothing appeared in the Press about Bhansali's fast and there took place a whole array of events centering round the fast. The C. P. Government contrary to their approval of the understanding reached with the Press Conference in October passed orders that all news of Bhansali's fast must be blacked out from the Press. This led to a protest from the All-India Newspapers Editors' Conference and their resolve to abstain from publication of the New Year Honours and to observe a *hartal* on the 6th January. This led to reprisals from Government. But all is well that ends well. At last one fine morning, the world got the news that Professor Bhansali had broken his fast on January 12, 1943 on the 63rd day as the result of an understanding arrived at between Government and himself through the intercession of Dr. Khare of Nagpur. The relevant *communique* and connected papers are published below :—

From Dr. Khare to Prof. Bhansali :—

" Dear Bhansali, I saw you on January 8 and had a talk with you. I had, as a result, full and free discussion with His Excellency about Chimur incidents. As regards complaints as to outrages committed on women of Chimur the demand for public enquiry may not be pursued in view of the difficulty of identification after the lapse of time. I am in a position to assure you: (1) The C.P. Government will issue a *communique* to the effect that there was no intention on the part of the Government to attribute any ulterior motive to women of Chimur generally and that Government attaches and has always attached greatest importance to maintenance of discipline among the military and police engaged in restoration of order and considers that respect for honour of women and their protection from molestation is and shall be the first essential of good discipline. (2) The ban on Press relating to Chimur and Bhansali affairs will be removed. (3) The *communique* or Press Note etc., would simultaneously appear in the press with the letters. (4) I understand that there will be no restrictions to visitors to Chimur now but if there is any, they will be removed. I am in a position to assure you that the Hon. Mr. M. S. Aney will join you in your visit to Chimur and meet people and Government will not place any restrictions. If you so desire I have no objection to go with you. Yours has been a tremendous sacrifice but in view of the above I would request you to break your heroic fast.

Yours sincerely,
(Sd.) Dr. Khare.

From Professor Bhansali to Dr. Khare :—

" Dear Khare, Many thanks for your letter and your efforts. I am glad to find that Government are willing to issue a *communique* as suggested by you and remove the ban on the press as regards Chimur news and the restrictions on visitors to Chimur. I am also glad that Mr. M.S. Aney will be kind enough to come with me to Chimur and meet the people of the village and thus concede my request to him ; as a man devoted to religious life, I have always felt that molestation of even a single woman is a crime, not only against society but against God. Now it has been given to me to communicate this feeling to others, may be, in a very small measure—I am, therefore, beholden to God that He made me the instrument of awakening conscience on so vital a question as the honour

of women. When I recover my strength I shall be glad to visit Chimur in company of Mr. Aney and yourself. In view of reasons given by you I agree to drop the demand for an enquiry and break my fast. After I break my fast no restrictions will be placed on my movements or utterances which may be directed to relief of Chimur or which relate to my fast."

Sincerely yours,
Sd. Bhansali

Professor Bhansali undertook later during Gandhi's fast a sympathetic fast but shortly after, he was persuaded to give it up.

It has been stated the public knew little about him, but there is much worth knowing about him. He completed his studies in London where he had spent nearly three years and on his return he served as a professor for sometime and then repaired to the Himalayas for *tapas*. He observed silence for 7 years and to prevent his being tempted to talk, he passed a thick copper wire through his lips and tied them down. Even after his return from the Himalayas, he was feeding himself only through a small straw tube with a thin mixture of *ata* and water. After years, he was persuaded by Gandhi to talk. Prior to his fast he was an inmate of the Sevagram Ashram and was subsisting on skimmed milk and potatoes. His was a striking personality that would impress even a casual observer with its imposing character and true to his personality he achieved a feat of 62-day-fast which will abide in the Nation's memory long.

## CHAPTER XIX

### The Fast and After

The fast was over. The ring of jubilation in India over Gandhi's survival was only equalled if not excelled by the roar of exultation in Britain that the fast proved a failure. To India it was a question of life or death. To Britain, it was a question of success or failure. And the failure that the fast was believed to have resulted in, signified to them their pride, their satisfaction, their unalloyed joy over the discomfiture of the enemy of Britain and of the Empire. How dare Gandhi seek to elevate his cult of non-violence over that of violence of which Britain had been the unchallenged mistress over the seven seas and the five continents ! Not all the appeals from the different corners of the world would melt the heart or move the mind of Churchill who sings with Shakespeare that " This England never did nor never shall, lie at the proud foot of a conqueror violent or non-violent." Not all the pious opinion of ecclesiastical dignitaries and Churchmen, scholars and savants, authors and journalists, poets and philosophers, Captains of Trade and Colonels of Industry, Professors and Principals, students and staff of Colleges, Ex-Premiers and Ex-Ministers, Vice-Chancellors of Universities and Pro-Chancellors, Peers of the Realm, Baronets and Knights, Titled Aristocrats and Trusted Moderates, Generals and Field-Marshalls, would shake Britain's resolve to teach this dependency a much needed lesson that it should not venture to raise its head before the mighty Empire on which the sun never sets. The pride of Britain may have mounted miles high, but the cause of India has spread over the world and engendered interest, enthusiasm and a spirit of co-operation in the wo ld's four corners. Do you estimate the effect of the fast by the footrule and the measure tape of resignations of the two Advocates-General, the two Government pleaders, a member of the Indian Civil Service and the three members of the Viceroy's Executive Council or do you measure its efficacy by the moral reactions and the spiritual searchings of whole nations in the two hemispheres of the world ? To king Ravana with his ten heads and twenty arms, his Vedic lore and Shiva Bhakti, Shri Rama was as the dust under his feet but violence beat violence into submission. In a more advanced age, Hiranya Kashyapa, the devotee of Shiva, who cast his son into flames, threw him into rivers, flung him under the feet of elephants, and tortured him with scorpions and snakes, all because he worshipped Vishnu, had to give way before the faith of his son who bore the sorrows and sufferings with piety and devotion, without anger or malice, casting off all thought of vengeance or vendetta. It was a clear case of overcoming violence with non-violence, hatred with love, darkness with light and death with life. The wheels of God grind slow but grind sure and greater empires than those of to-day have in the past become subjects of researches in archaeology.

What was wrong with the fast, that people should have gloried over its failure ? Would the same critics have preferred a display of violence for the assertion of the national claim, for the realization of the national purpose? Themselves, the upholders of violence, the empire-builders of to-day condemn non-violence-the very non-violence which they have conceded in Pacts and Agreements when directed to smaller end, such as agrarian redress.* What really was objected to was the larger purpose of freedom, the higher claim of

* See Vol. I (History of the Congress) Appendix—The Gandhi-Irwin Pact.

Independence. The character of the deadlock is sufficiently clear to the man in the street for to him the issue is plain who should rule India, whether India should be drawn into the war and if so as a free nation and voluntarily or as a slave under duress. But to the sophisticated politician the issue bristles with difficulties. He wishes to know the politics of the deadlock not its ethics. Which of the several levers of the key has gone amiss, where should he file the fulcra, may he not open the lock and as locksmiths do, break off one of the levers which is not operated by the key? That is exactly what Mr. Amery and the British Cabinet proposed doing. The lock of India has several levers, communal, territorial, princely and organizational. Of these, the last is the most powerful and the first is the least tempered. For fear of breaking the latter because it is brittle and may not be broken at the required point, Mr. Amery prefers to break the former outright. Accordingly he does not want to have any truck with the Congress. He cannot manage it except by breaking it off altogether. He has imprisoned the Congress organization and in his answers to the reapeated questions put to him, he has reiterated the same idea, *elando et Carthage elando et Congress.*

The deadlock in India is not a unilateral creation. Nor is it of accidental origin. Britain involved India in a war not her own, without her knowledge or consent. India claimed the right to say so and thousands of individuals of approved political antecedents and fulfilling certain rigid conditions incidental to Satyagraha and Non-violence, courted imprisonment for asserting the right. This was in 1940-41. Then came the episode of Sir Stafford Cripps' visit to India with seemingly an olive branch which on closer examination proved to be a piece of prickly pear or a network of barbed wire. On its rejection both India and Cripps suffered. The latter was hurled down from the bad eminence to which by merit he had been raised by Premier Churchill and the former once again went into the wilderness, as the failure of Cripps Mission appeared to have been viewed as a natural landmark in the progress of India's struggle. An interval of quiescence cannot persist long in the midst of a war, violent or non-violent or mixed. One side or other must advance or recede. It suited the British Government to sit tight after Cripps' return, but it did not fit in with the Congress conception of National progress. For India, herself being a slave, to fight in the name of freedom, was not only a mockery but was a tacit acceptance of her own thraldom. And Congress sought to inaugurate a campaign of Mass Civil Disobedience with what immediate result the world well knows. For the time being, it might have seemed that the deadlock not only remained dead but showed no prospect or possibility of any fresh key being inserted into it, to ease it. The Congress key got stuck and it would not come out or make room for any other key. Government kept on telling the public that it was open to other parties and groups to break the Congress key and provide keys of their own with which to open the lock. Lots of keys were forthcoming and waiting outside in bunches offering to fit into the lock, but they had no chance of even a trial, for the key-hole of the lock was blocked. The keys outside wanted facilities to contact the key inside, but Government would not allow it. They steadily developed their charges against it. First they would not say the Congress key was meant to sabotage the lock, it was only the levers that were not all being operated by the key. Later they proclaimed that the Congress key was meant to prevent the lock being ever opened. It was in their view all a wicked design, a wanton mischief.

Let us trace the development of this theory from the correspondence that passed between Gandhi and the Viceroy in August and September 1942, through the replies given to the many appeals for Gandhi's release during the

fast and the answers to the Leaders' Conference of February, 1943, during the fast and finally the reply given to Gandhi when the latter sought Government's permission to address a letter to Mr. Jinnah answering the latter's suggestion made in his address at the open session of the Muslim League held in Delhi in May, 1943. Let us now study these answers chronologically. The earliest reference made by Mr. Amery in the House of Commons subsequent to the arrests on the 9th August was on the 11th September, when he expressed the hope that " at some not too far distant time, Indians might be able to agree on a constitution, but there could be no greater mistake than to negotiate without the slightest chance of success. " We have to await a Congress change of heart." The British Government will welcome the progress of any effrots to establish Indian national unity on a firm and lasting basis. Broadcasting on the 29th September, 1942 he said that a "a constitution imposed by any one element could not live but that is precisely the aim which Gandhi and a handful of associates who control the Congress have set before them."

During the debate on India Bill on 10th October, 1942, he said :—

> " There can be no question of the Government of India entering into negotiation with Congress leaders, or allowing others to do so, so long as there is danger of recrudescence of the troubles for which they are responsible or until they have abandoned their whole policy to control India by illegal and revolutionary methods and are preparing themselves to come to an agreed settlement with ourselves and their fellow countrymen. There is no prospect of the appeasement of the Congress in its present mood and outlook. That would only create greater difficulties with the Muslims and other parties. The actual problem is one of finding a constitution under which the different elements can be reconciled." Apparently this was what he meant by Congress change of heart. The question of a new constitution was raised.

As a justification for doing nothing, Lord Simon replying to the debate in the House of Lords, quoted Mr. Jinnah, who said, "We do not want under the stress of war emergency to be stampeded into forming a Provisional Government which would be of such a character and composition as would militate or prejudice against the Muslim demand for Pakistan.

October 22, 1942 *Re* : Viceroy's refusal to allow Dr. S. P. Mukerjee to see Gandhi, Mr. Amery said " I am not prepared in the present circumstances to permit interviews with Congress Leaders."

November 26. " The detained Indian leaders are permitted to correspond only with members of families and on domestic matters. Whether public declaration by them could be permitted depends on its character. Whether members of Parliament can correspond with them depends upon the discretion of Government of India."

" The present European members of the Governor General's Council were being retained merely because of the difficulty in finding suitable Indians for the posts."

October 20. Mr. Amery denied in a broadcast to America the allegations that Cripps had offered India an immediate National Government but was overruled from London."

October 21. Amery said that Churchill did not refuse the right to India to be included in the Atlantic Charter and stated that British policy towards India was in harmony with Article 3 of the Charter and the principle was laid down 25 years ago."

October 28. Asked to raise the ban on contact between Congress leaders and non-Congress representatives to enable them to discuss possible political developments. Amery refused.

April 8, 1943. Efforts of Indian political leaders to find a measure of agreement would continue to be welcomed by His Majesty's Government and the Viceroy. There would be great objection to consultations with Congress leaders without a definite assurance and guarantee of a different line of conduct on their part. Other leaders had been meeting frequently though he regretted without agreement.

Finally the Viceroy made Government's position unequivocally clear on April 1, 1943, in his reply to Dr. Sapru as the head of the Leaders' Conference held after the fast in Delhi on the 20th March :—

" If on the other hand, Mr. Gandhi is prepared to repudiate in full the Congress Resolution of last August, to condemn equally those incitements to violence which are represented by his reference to " open rebellion", his advice to Congress followers " to do or die," the statement that with the removal of leaders, the rank and file must judge for themselves, and the like and if in addition he and the Congress Party are prepared to give assurance acceptable to Government for the future, then the matter can be considered further. But till then and while the Congress attitude remains unchanged, Government's first duty is to the people of India and that duty it intends to discharge. It is suggested not to be deflected from that duty by suggestions, ill founded as I believe them to be, that by doing its duty it will add to bitterness and ill-feeling I do not believe that to be the case, but even if it were, that to be the price, that Government must pay for discharging its responsibilities."

What does Mr. Amery say in effect ? At first his answers were somewhat subdued. He took shelter in the vague expression that the Congress should show change of heart. That was in September, 1942 when the disorders in India were still in their waxing phase and not on their way to subdual. By October and November, the British had ample confidence in their power to combat them and made their answers to questions in Parliament stiff and unbending. Not only would the Government of India, not negotiate with the Congress leaders but they would not allow any others to do so until the leaders abandoned their policy to control India by illegal and revolutionary methods. That is to say, they must give up their movement of Satyagraha. This was the second step. Simultaneously the question of a new constitution was raised. Was it not taken for granted that the constitution was to be devised by the Indians themselves sitting in the Constituent Assembly ? If so, what was the need for Mr. Amery to appeal to the younger generation and to Indian Universities to evolve a new constitution after that of Russia, U.S.A. or Switzerland ? Lord Birkenhead had thrown but his challenge in 1926 to India to produce a constitution. The Nehru Committee then came into being but could not make any progress. Then over fourteen Government committees and conferenees were held between 1927 and 1935 before the Act of 1935 was passed, and in the year 1942-43, Mr. Amery and the English Press talk again of a new constitution while members of Parliament like Sir George Schuster, formerly the Finance Member of the Government of India, contemplate a commission to discuss and evolve a new constitution. Lord Simon further brings in Mr. Jinnah's objection to British Government being stampeded into forming a Provisional Government. Tracing the progress of events since 1927, we find Independence was gone, gone was Dominion Status and even Central Responsiblity was gone When other political parties are anxious to meet Congress leaders and talk over matters,

Mr. Amery and the Viceroy say they are not prepared to allow men like the Metropolitan of Calcutta, Mr. William Philips of America and Dr. Shyama Prasad Mukherjee who was then the Minister of Finance in Bengal to meet Gandhi. Nor are the detained leaders allowed to correspond with members of Parliament though they can, it was said, make statements recanting their policy and regreting their conduct. In November 1942, Mr. Amery went one better. Let Independence be a mere vision, let Dominion Status be a distant ideal, let National Government in the War time be out of the question. There remained only the Indianisation of the Viceroy's Executive Council. But Amery said : " There are no suitable persons found for holding the portfolioes of Home, Finance and War." And it has been authoritatively denied by Mr. Amery that Cripps was ever commissioned to form the National Government in India. On the Atlantic Charter, Amery said that Britain had anticipated clause 3 of the document twenty-five years ago, apparently 25 years before Roosevelt dreamt of it. And yet, in April 1943, he says " efforts of Indian political leaders to find an agreement will be welcomed." Agreement between whom pray ! Between the Congress and the League and the Hindu Maha Sabha and the Sikhs ? But how can avenues to agreement be explored when one of the parties to agree is behind prison bars and prevented all access to representatives of other groups for negotiation and adjustment ? This is the real deadlock which the nation had to face. In the same speech in which Mr. Amery on 31st March, 1943, demanded assurances and guarantees for the Congress he made uncomplimentary reference to Gandhi.

On March 30, 1943, opening the Commons debate on the situation in India, the Secretary of State for India, Mr. Amery regretted that three members of the Viceroy's Executive had " allowed themselves to be swayed by the emotional crisis" of Gandhi's fast but " their places will be filled in the near future by no less capable Indian public men. There is no going back upon the expansion of the Council which one of the resigning members, Mr. Aney has described as an outstanding reform." Concerning the forthcoming non-party deputation to the Viceroy, Mr. Amery said that the reckless and defeatist action of last year made it difficult, indeed dangerous, to consider any concessions for Gandhi in the absence of the " most explicit assurance and effective guarantees of a complete change of attitude among those who have brought so much unhappiness upon India and might still endanger the entire Allied cause in those future operations which must be based on India. There is no sign of any such change in Mr. Gandhi."

A passing reference has been made in the section headed " Reaction in Britain" to Mr. Amery's comparison of Gandhi to Father Joseph, in his speech in the House of Commons delivered in April, 1943 while dealing with the India Bill. Says Mr. Amery :—

> " Many members have no doubt read the recent book *Grey Eminence* in which Aldous Huxley describes the combination in one person, Father Joseph du Tremblay, of a devout mystic with an unscrupulous political adviser who helped Cardinal Richlieu to keep Europe distracted by a generation of disastrous war. It is enough for me to say that Mr. Gandhi's peculiar appeal to the Hindu veneration for the ascetic helped to make him the unquestioned Dictator, a permanent Super President to use Pandit Nehru's expression of by far the largest, the best financed and most rigidly drilled party organization in India."

And Mr. Attlee replying to the debate said :—

" Everybody in the Commons, agreed that India must attain Self-Government as soon as practicable, but that did not mean Government in the hands of some one person or the people of a particular race. Political systems cannot easily be transferred. One of India's trouble was the tendency for her political parties to become more like continental, totalitarian parties than the Biritish political organizations. " Personally as a Democrat, I object to the dictatorship of a reputed saint quite as much as the disctatorship of a notorious sinner." Mr. Gandhi's actions were quite against those democratic conceptions which are deeply and most sincerely held by leaders of India's political parties."

In effect and indeed in so many words, Mr. Amery stated that " The particular character and methods of the Congress Party have largely been shaped by a single man, Mr. Gandhi. I shall not attempt to assess here the qualities of this enigmatic personality." While saying this, he actually made this most damaging comparison of Gandhi with Father Joseph.

For a better understanding of Mr. Amery's analogy it would be just as well to give an account of Father Joseph. He was Francoi's *Leclerc du Tremblay*, known in religion as Father Joseph of Paris and to ancedotal History as 1' eminence Grise. " The road trodden by those bare horny feet of his," says Aldous Huxley the biographer, " led immediately to the Rome of Urban VIII. More remotely it led to August, 1914 and September, 1939. In the long chain of crime and madness which binds the present world to its past, one of the most fatally important links was the 30 years' war. Many there were who worked to forge the link. None worked harder than Richlieu's collaborator, Francois Leclere du Tremblay. If Father Joseph had been nothing more than an adept at the game of power politics, there would be no compelling reason for singling him out from among a number of concurrents. But the friar's Kingdom was not like the Kingdom of ordinary power politicians exclusively of this world. Not merely intellectually but by actual, direct acquaintance, he knew something of the other world, the world of eternity. He " passionately aspired to become and in some measure, with a part of his being, he actually was a citizen of the Kingdom of Heaven."

He belonged to the order of the Capuchin friars which itself is one of the four divisions of the order of Franciscans which had its origin in Italy about the year 1520 and was regularized by a Papal Bull of 1538. The monastic houses could not either overtly or covertly own property. All wants were to be supplied exclusively by begging and the convent was not allowed to accumulate stores for more than a few days. No friar might use or even handle money. The Capuchin's habit was of rough grey cloth so rarely replaced that most of the friars were permanently dirty and in tatters. Father Joseph is otherwise known as "Grey Eminence". To the hardships of poverty were added those of a rigid discipline, of Fasts numerous and penances severe. The Father was the new model Capuchin, the man who respected his vows, who shared the hardships of the poor and was always ready to be a help in trouble. Austerity of life, the assumption of voluntary poverty, a clarity of collaboration, not of patronage—these were the characteristics that had earned for the Capuchin the affection of the masses. The underlying motive is sometimes a genuine love of God but more often, a kind of pride. The privileged individual wants to prove that he is somebody on his own account and apart from his bank balance, and his social position, that he can win the race against all comers, even when he starts from scratch. Father Joseph inherited one of the four baronies possessed by his maternal grandfather and

was Baron d' Maffliers but chose the life of friar. " This is a soldier's life", he wrote to his mother " but with this difference that soldiers receive death for the service of men, whereas we hope for life in the service of God."

Richlieu became a member of the Council of State and was appointed minister for War and Foreign Affairs in 1615. He was fond of supreme power which appeared to be now in his grasp. Father Joseph was bent upon pursuing the crusades and liberating Greece from Turkey, and to this end took the aid of the Duke of Nevers, a man who had his own ambitions and designs and was preparing a Navy and an Army to achieve his purposes. To Father Joseph, it appeared that France who had played a chief part in earlier crusades would bring about a rupture of historical tradition and flouting God's will if she abated her interest then. It was no longer " God's deeds by the French" but " the deeds of the French are the deeds of God". And Father Joseph's cult was summarised in the French lines which mean " If in order to succour thee, I overturn the whole world, it is all too little for my wishes, to quench the fires of my ardour, I must drown me in a sea of blood." Grey Eminence (Joseph) and White Eminence (Gandhi) are both singularly devoid of pride, they both love humility and serve the poor, but the former was caught up in court intrigues and helped to promote the 30 years' war and drowned himself in a sea of blood. The flames of his passion for crusading could only be extinguished in a sea of others' blood, while the latter's if ever he should have a bloodbath, would be a bath of his own blood. To compare then a war promoter and an unscrupulous friar, however grey may be his eminence, with one whose truthfulness would not keep a copy of a letter to him which is withdrawn by the writer and whose non-violence would rather lay down his own life than hurt a hair on an Englishman's head in India, is crass misrepresentation. Father Joseph is Grey. Gandhi is White. Gandhi is neither a power politician nor a practising mystic. Gandhi's conception of Islam and its Paigambar Mahommed is diammetrically opposed to Father Joseph's as delineated in his *Turciad*. To Gandhi, Mahommed's instruction is not Lucifer in a mountain cave and a chamber of horrors but Angel Gabriel descending from the heavens on high in the healthy atmosphere of his nativity. Gandhi does not engage himself in patching up truce between Queen mothers and their sons nor does he, like Father Joseph, invoke the hell fires on people's heads to prevent them from ordering their soldiers to sack innocent towns. Gandhi is not out to loosen armies in order to establish national unity like Father Joseph but sets himself to disbanding them in order to preserve national intergrity. Gandhi has no Cardinal Richlieus to elevate, and has no nervous abnormalities to conceal under a restraint of manner. Gandhi, on the attainment of Swaraj, would be happy on the heights of the Himalayas and not aim at becoming " the unofficial chief of staff for foreign affairs" as Father Joseph became. Gandhi does not aim at power politics and has no thought of intrigues that result from the confluence of the lives of a Capuchin and a Cardinal.

Anyone that knows Gandhi from near, knows him to be singularly free both from that personal ambition from which Father Joseph also was free, and from that other ambition known as vicarious ambition which is pernicious and self-deluding, on behalf of a sect, nation or person. Father Joseph had ambitions on behalf of Catholicism, France and Richlieu, ambitions indeed " to put it cynically, through which he would enjoy subconsciously the pleasures of malice, domination and glory, while retaining the conviction that he was doing the will of God". To Gandhi, unlike to Father Joseph, there are no two classes of goodmen, one good according to God and another according to

man, the former forgiving offences against oneself as soon as they are committed, while the latter must do everything in his power to take vengeance when offences have been committed against society. Gandhi has no court intrigues to checkmate, no quarrelling magnates to concliliate. It is true that Gandhi believes in intuition, and divine guidance and considers some of his plans as inspired or perceived in a vision. But he has no " crackbrained notions which were" in Father Joseph, " made to seem even more ridiculous than they were by his habit of guaranteeing them as Divine revelations." It is to be hoped that Mr. Amery does not demand of India that her youth, in addition to evolving a new constitution, a new philosophy, should also drive away Providence from Temple and Tabernacle.

Gandhi like Father Joseph maintains enormous private correspondence, not indeed with a view to prying into the secrets of the enemy, but to acquaint himself with the truth which moves or fails to move the actions of his own following, not " to buy now a piece of useful information, now a complaisance, now a downright treachery." Gandhi does not act as the head of a secret service or make use of money or possess as Father Joseph did. But describing Father Joseph, Huxley writes :—" Here he was a Franciscan friar, vowed to the service of a Church which existed for the salvation of souls, but using all his own talents, all the baits of Lucifer, Mammon and Belial to induce fellow Christians to damn themselves by lying, by breaking their pledged word, by betraying the trust imposed in them. In order to do his political duty, he had to do the *satanic* opposite of what he had promised to do when he entered Religion." Gandhi recognizes no such compartments as Religion and Politics, for to him the former idealizes the latter, while the latter realizes the former and both together make up one whole, being but the obverse and reverse of each other as in a coin. Nor does Gandhi know any distinction between means and ends. To Father Joseph, the means did not matter, it was the ends that counted, to Gandhi the ends would take care of themselves if he took care of the means.

The deeper you study the two characters, the more glaring becomes the contrast between them. " Father Joseph's reputation" we are told " in Paris as at Ratisbon was bad, so bad that contemporaries would never accept the true explanation of his weekly absences from court, after he had been made a regular Foreign Minister. It was whispered that during the time when he was supposed to be with the Capuchins or the Calvarians, he was really prowling about the town in disguise, spying for the Cardinal (Richlieu) or giving bribes and instructions so secret and so sinister that they could not be interviewed except by night at street corners or in the backrooms of disreputable taverns. Romance is always poor and less strange than the facts it distorts and oversimplifies." Anyway, there are no two Gandhis, one a saint and the other a suspect, and Gandhi is the last man to be guilty of the policy of playing both ends against the middle.

Father Joseph towards the end of his life wrote in a letter bemoaning his divergence from the path of the wholetimed service of God and ends it saying, " I come to believe that the world is but a fable and that we have lost all our hopes for I make no difference between ourselves, the Pagans and the Turks." " These are despairing words " says Huxley, concluding the life proper " that make one wonder whether the unhappy man had come to doubt of his salvation. And having penned them, back he had to go to the hideous work to which his duty to the Bourbons had harnessed him, the work of spreading famine, and cannibalism and unspeakable atrocities across the face of Europe. Back he had to go to the distracting care which cut him off from the vision of reality to the bad company of King and Cardinal, ambassadors and spies.

back finally to all the criminal follies of high statesmanship to the *satanic* struggle for power in a world which he knew to be fable, a mere nightmarish illusion, to the orgies of violence and cunning, to the dreary battles of force and fraud, waged by two parties of madmen, between whom, as he had now come to perceive, there was nothing whatever to choose. And as a reward for turning his back upon God, they had promised to give him a red hat." In Gandhi you have just the opposite of Joseph one to whom the world is but one family, one who detests wars and bloodshed, who cannot conceal his thoughts but is outspoken to the point of thinking aloud before friends and foes alike. His life is an open book. His writings bear no two meanings. His spoken word is as sacred and binding as a bond. His aim has been to awaken his country to a national consciousness. He has no designs upon his neighbouring countries. He does not entertain Theocratic ideas. Proselytization has no place in his religion. Every one is free to worship his God in his temple, church or mosque. But the nation as a whole may not tamely submit to foreign rule. Freedom for individuals or groups in culture and reigion implies freedom for the whole nation as a unit in economics and politics. It is well said that bureaucracy cannot rule over a nation, one's own or foreign, unless the people are docile. India's docility has made possible the rule of the British Bureaucracy. Gandhi has broken down this spirit of docility, " the placid and pathetic contentment" and the abject helplessness of the masses and the millions of India. Here comes the rut between Gandhi and Amery. The latter wants to consolidate the Bureaucratic rule in British India and revivify the 562 Feudal Lords of the Indian States. Prussia dominated the remaining 199 Feudal Lords of Germany after the Treaty of Westphalia. Feeling firm in the stability of British monarchy, Mr. Amery only wants that the Indian fedual princes do not unite among themselves or with the people in the Provinces even as the French tried to do with Germany. The French monarchy broke down and German unity was well on its way by the end of the 19th century. But Richlieu and Father Joseph saw to it that when Austria's power over Germany was destroyed, German unity did not imply a Federated Empire but a highly centralized state. Mr. Amery is likewise tending to prevent the Federal development in India. The result in Father Joseph's case was the reverse of the expectations, the rise of German nationalism and the disappearance of French Imperialism and likewise in India it is the rise of Indian Nationalism and disappearance of Birtish Imperalism. Mr. Amery it is that is pursuing in the footsteps of Father Joseph and not Gandhi. Gandhi's politics are not power politics but service politics or " goodness politics" in Huxley's terms. One may say that "Goodness politics have never been attempted in any large society and it may be doubtted whether such an attempt if made, could achieve more than partial success so long as the majority of individuals concerned remain unable or unwilling to trasform their personalities by the only method to be effective. The art of goodness politics as opposed to Power Politics is the art of organizing on a large scale without sacrificing the ethical values which emerge only among individuals and small groups. More specifically it is the art of combining decentralization of Government and Industry, local and functional autonomy and smallness of administrative units with enough over all efficiency to guarantee the smooth running of the Federated whole. To hold such a man responsible for the disorders that he had never contemplated and would never tolerate or condone is to forget the historical background of the Satyagraha Movement. Neither in the Movement of 1930 nor of 1932-33 nor even of 1940-41, was there any outburst of the disorders witnessed in 1942-43. It is often said that Gandhi should have

known and anticipated what his movement would lead to. When really there was an indication of the violent spirit of the masses as in Chauri Chaura in 1922 (February) Gandhi gave up the non-payment of the tax campaign that he had contemplated in Bardoli and Anand Talukas of Gujarat. Since then there were remarkable campaigns carried out with success in the sense that no outbreak of violence occurred. Examples of such were the no-tax campaign of Agrarian origin in 1928 in Bardoli, and Choryasi Taluka, the no-tax campaign of Bardoli Taluka in Gujarat and Sirsi and Siddapur Talukas in North Canara the latter two having been embarked upon in connection with the Civil Disobeidence (Salt Satyagraha) Movement of 1930-31. As a reasonable and prudent man, as a man of experience, Gandhi had no grounds for apprehending outbreak of violence in respect of a movement which he had not inaugurated and which he would do everything open to him to avoid. What happened was that the very thought of Mass Civil Disobedience held aloft before the world, namely that the worm was turning under the foot, led Mr. Amery to bring down the weight of the frame of the body politic on the foot and the worm under it. Mr. Amery wanted to anticipate and prevent the movement by wholesale arrests and ordinances. It is he that must really be held responsible for the evils and crimes that had resulted from his actions which he should easily have foreseen. Indeed the boot is on the other leg. The politician acts but it is the historian who generalizes as Huxley says, by tracing the relations between such acts and their consequences. " In this way" says Huxley, " past records of the relation between acts and consequences enter the field of ethics as relevant factors in a situation of choice." Unrestrained tyranny and persecution cannot fail to leave consequences which no sensible person would desire. Mr. Amery cannot plead ignorance of such unfortunate and condemnable relationship. In Ireland, it happened. In America it had happened earlier. In India all the care taken by the country to ensure non-violence proved unavailing in the face of the severe violence displayed by authority.

It is no wonder that Mr. Amery constituted as he is, should have made such a diabolical comparsion. He is a businessman and politician who understands little of the finesse of saintliness of character and the spirit of self-effacement. Being given all one's life to promoting business and amassing wealth, or pursuit of power, one may be excused for being impenetrable to matters ethical. Before becoming a minister the Rt. Hon'ble Leopald Charles Murice Stennett Amery, M.P. aged 69 (in 1943) (Unionist) was a Director, British Tabulating Machine Co., Ltd. Cammell Land & Co., Ltd., Fante Consolidated Investment Co., Ltd., Gloucester Ry., Carriage and Wagon Co., Ltd., Industrial Finance and Investment Corporation Ltd., Southern Ry. S. W. Africa Co., Trust and Loan of Canada, Goodyear Tyre and Rubber Co., Publisher, Forward View and Days of Fresh Air. Able, fearless and reactionary, it is extraordinary, how effectively he speaks on occasions, having a number of obvious defects. He is short, husky-voiced, prosy and has a most irritating habit of insisting that the commonplace should receive the same attention as the important. He is one of the voices of Big Business in Government.

Major Attlee's charge against the Congress that it has turned totalitarian requires examination. Totalitarianism in politics means that the politicians demand obedience and conformity in every sphere of life including religion. It is industrial civilizations and power politics that breed this new distemper. The Congress demands a payment of 4 annas as annual fee for membership and the signature of the members to its creed—which commits them to "the attainment of Swaraj by peaceful and legitimate means." The

Congress wishes very much that it could be totalitarian if only to enforce the observance of the two conditions. It is not obligatory for even the Executive of the Congress to spin and for general members to wear Khaddar. The Executives alone are bound to wear hand-spun handwoven cloth so that their acts may give a spur to the dead and dying industry of Khaddar. Amongst the highest Executives, there have been merchants and mill-owners dealing with foreign trade and lawyers and doctors. No one is prohibited from joining the Congress. Only members of communal organizations are precluded from being on Congress Executives. Belief in God, practice of worship, faith in religion, are wholly optional with members of Congress. Major Attlee thinks the Congress totalitarian probably becuase a Central Executive guides the Congress Ministries, prods them to pass social legislation relating to Prohibition, Debt Relief, Tenancy Rights and Agrarian Relief. Is this a crime in the first years of a popular ministry? But what provoked Attlee to make his remark is the resignation of Congress Ministries on the outbreak of the war. He would have preferred the ministries to continue carrying on war effort with India herself as a slave and Cinderella of the Empire, with the food problem growing acute, with the United Kingdom Commercial Corporation carrying on trade, with the Grady Commission's recommendations shelved, with currency inflation and rise of prices, with the people unarmed, with a scarcity of cloth throughout India, with no big indigenous industries allowed to start, all the while the Ministers playing the part of recruiting sergeants, collecting money for war, imprisoning their own countrymen engaged in patriotic pursuits or exposure of public wrongs, and shooting crowds with rifles or machine-guns. The popular ministries would not do this as representing a self-respecting organization. Hence the deadlock. Moreover, Mr. Amery demanded in that very speech " most explicit assurances and the most effective guarantees from those who had been responsible for so much misery in the land before they are allowed once again to take part in politics, while the Viceroy comes on the scene and demands withdrawal of the Bombay Resolution, condemnation of violence and guarantees acceptable to Government. What may they be ? The same that apparently old convicts are required to furnish, namely security of heavy amounts of money for good conduct for a definite period of time, say ten years, with the second signatures of those wealthy industrialists who had been dabbling in politics or financing Congress from behind as the Premier had the audacity to say! Thus as the time came for the implementing of the pledges and proclamations of Swaraj for India, wherein it touched the heights of Independence, Dominion Status within the meaning of the Westminster Act, the reserve right to secede, and National Government with reservation of war, what was the result?—the proverbial zero, and the negative policy of repression. Charges of disagreement, the problem of minorities, Scheduled Classes and States, above all the unwillingness of the Muslims to participate in or agree to a Federal Constitution, have all been trotted out as insuperable objections to any immediate fulfilment. Thus has ensued the deadlock or a state of affairs in which it is impossible to advance or recede. It was created not by any action which the Congress had taken to assert the fulfilment of the National Demand by way of Civil Disobedience but the very moment the British involved India in the war without her knowledge or consent. That was the *causus belli* which no self-respecting nation could put up with. That led to a demand of a statement on the war aims and when none was forthcoming, to resignation of Ministries in October 1939. And when this event only evoked the projection of the Muslim unwillingness to accept the Federal Constitution, the counter-demand for an agreement amongst the various parties and groups in India and reluc-

tance to do aught until that consummation should be reached. Congress, merely to maintain its right of free speech, embarked upon Individual Civil Disobedience. When the British after 18 months sent Cripps, he made it plain that even if there was agreement between the Congress and the League, Government would not transfer Defence. The truth came out in all its nakedness and when even this deduction from Self-Government was agreed to, joint responsibility of the Cabinet was denied and the very word Cabinet was banished from Cripps' terminology in statements and broadcasts, and gave place to the " Executive Council." And on his deparature, the Indian element of the Executive Council was raised to a strength of eleven with however one deduction straight way due to Sir C. P.'s resignation on a constitutional issue within a fortnight of his joining and with another vacancy kept in reserve for Sir Ramaswami Mudalliar who was holding two offices, one in India as Executive Councillor and one in England as member of the War Cabinet. This reminds one of the famous Indian story in which a person claimed to know how many were the *Pancha Pandavas* who were five in number. He thought the figure was four, wanted to signify the same by showing three fingers, raised two and showed one while marking zero on the ground. There is the equally significant story of the man who owed another a hundred rupees and at the time of repayment promised only to pay 60 out of the hundred, then claimed a rebate of a half, namely 30 and out of the other half, undertook to pay Rs. 10 himself, get a friend to pay Rs. 10 and there remained only Rs. 10 more, which he suggested might be written off. The deadlock is a melancholy jest which taxed India's patience as well as resources to the utmost. In former movements, Dr. Sapru and Mr. Jayakar took the initiative and it is well known how in critical situations, the Gandhi-Irwin negotiations were saved from being wrecked by the timely intervention of these twins who with the Right Hon'ble Mr. Shrinivas Shastri made a triplet of Right Honourables. On this occasion, however, they remained passive forces. The Non-party Leaders' Conference which met during the Individual Civil Disobedience movement under the leadership of Dr. Sapru, receded into the background to emerge but once or twice into activity, only to be treated with the same scant courtesy with which other institutions and individuals had been greeted. Nevertheless it must be publicly recognized that Dr. Sapru had all along adopted a high tone of national self-respect and maintained the dignity and the prestige of the cause as well as the nation and we shall have occasion to refer once again to his words of weight and wisdom uttered from time to time even as we have adverted to them in connection with Gandhi's fast in February-March 1943. There emerged a new character into the arena of Indian politics, with the passing of the Bombay Resolution of the A.I.C.C. That new character is really a veteran Congressman, Satyagrahi, Civil Disobedient who had gone to Jail in 1921, 30, 32 (twice) and 41-42. But in August 1942, he took a different view of affairs. He had been differing in fact from Gandhi for some time earlier. He was mainly, yea, wholly responsible for the Resolution of the A.I.C.C. passed at Poona in July, 1940 a meeting not attended by Gandhi. Poona was later undone at Bombay (August 1940) which paved the way to Individual Civil Disobedience. This friend is C. Rajagopalachariar. In pursuing the Individual Civil Disobedience Movement in October 1940, C. R. did not choose to tread the beaten path by writing to Government the slogan about war which Gandhi and the Working Committee had adopted and recommended to Congressmen. On the contrary, he wrote to members of the War Committees to resign their places and give up their participation in war effort. He thus struck a new path of his own, even in following the direction indicated by Gandhi. He

was largely instrumental in persuading Gandhi to suspend the Individual Civil Disobedience Movement in November, 1941 and the Bardoli Resolution was the result. From that day up to the Allahabad meeting, he could not see eye to eye with Gandhi. At Allahabad, he took such a strong view of his own that he felt it right to resign his membership of the Working Committee and later in the second week of July, he felt called upon to sever his connection with the Congress so that in Bombay he was not present in August 1942. But C. R. is a restless and active personality and was not the person to sulk and retire into his tent. He felt it his duty to speak out his mind and on the day of the arrest of Gandhi, in a brief statement he poured out his heart on the policy adopted by the Congress and the Government. And earlier he had tried to dissuade Gandhi from the course he was recommending to the Working Committee by writing to him on the eve of the Bombay Meeting.

Almost all methods of approach hitherto adopted either failed or proved abortive. The Indian Press remained impotent for much good, with all its vehement espousal of the Congress cause. Progressive opinion in Britain proved but a cry in the wilderness. American public opinion knocked its head against the rock of a new Anglo-American Alliance. But human nature ardently strives for a solution of life's difficulties. Politics like Nature abhors vacuum. Into that vacuum the All-India leaders of India rushed. Since the war began they had met already on two occasions and resolved to make their third and perhaps last attempt to use their influence with Government, little realizing that Government's sustained policy is to use up the Moderates and throw them out much as people suck the juice of the sugarcane and eschew the refuse. Nevertheless, taking courage in both hands, the All-India Leaders met on the 9th March and created an episode full of interest and instruction.

The All-India Leaders' Conference issued the following statement :—

> " We are of opinion that the deplorable events of the last few months require a reconsideration of their policy both by the Government and the Congress. The recent talks which some of us have had with Gandhiji lead us to believe that a move for reconciliation at the present juncture will bear fruit. It is our conviction that if Gandhiji is set at liberty he will do his best to give guidance and assistance in the solution of the internal deadlock and that there need be no fear that there would be any danger to the successful prosecution of the war. The Viceroy may be approached on our behalf to permit a few representatives to meet Gandhiji to authoritatively ascertain his reaction to the recent events and to explore with him avenues for reconciliation."

The statement was signed by 35 leaders, including Sir Tej Bahadur Sapru, Mr. M. R. Jayakar, Mr. Bhulabhai Desai, Mr. C. Rajagopalachari and Sir Jagdish Prasad.

Mr. Amery in reply to a question regarding the Bombay Resolution said on 11th March : "I fully appreciate the character of the Bombay Conference" and promised to give a further reply in a week. It was ardently hoped that the necessary permission would be forthcoming. But in its place came a lengthy negative reply from the Viceroy in April.

It was arranged that a deputation should wait upon the Viceroy. He agreed to receive four representatives on the 1st April and asked for a memorandum in addition to the statement presented by the Committee. This was promptly sent and the deputation was informed that the procedure would be

that the Deputation would read their statement and the Viceroy, his reply. That is to say, no discussion would be allowed. In view of this unexpected limitation made known at the last moment, the Deputation excused itself from personal attendance and informed the Viceroy accordingly. And the Viceroy made his reply on April, 1. Mr Amery later said that the Deputation was agreed to on this condition but Mr. K. M. Munshi who was in touch with the progress of events stated in the Press that they got the earliest intimation of the procedure only on the 29th March.

Replying to the Leaders' Memorandum, the Viceroy said :—

"....I have already pointed out that neither from Mr. Gandhi nor from the Congress is there, nor has there been, any suggestion of a change of mind or heart. They had the opportunity and have the opportunity still to abandon that policy. With every respect for your good intentions and your anxiety to see a happy solution, I cannot agree to give special facilities such as you ask for contact with Mr. Gandhi and the Congress leaders while conditions remain as I have described them.

If, on the other hand, Mr. Gandhi is prepared to repudiate in full the Congress Resolution of last August, to condemn equally those incitementsto violence which are represented by his references to " open rebellion", his advice to Congress followers to "do or die", the statement that with the removal of the leaders the rank and file must judge for themselves, and the like; if in addition he and the Congress Party are prepared to give assurances acceptable to Government for the future then the matter can be considered further...."

It was thus that the efforts made by the All India Leaders to contact Gandhi had turned futile.

No one knew what C. R. had in his pocket when he raised hopes in the month of March, of a settlement with Mr. Jinnah after his two conversations with him. The hopes generally entertained on the eve of the Leaders' Conference during the Fast were nipped in the bud by the Viceroy's refusal to allow the outside leaders to see Gandhi. Nothing daunted, C.R. was instrumental in convening the later conference of All-Party Leaders on March 10th whose request for an interview with Gandhi met with no better fate. The fact remains that there was some misunderstanding somewhere. To C.R., the key to the situation lay in a friendly attitude towards the Pakistan idea. This idea was not authoritatively clothed and put into shape by Mr. Jinnah but C.R. had formed certain ideas about it. At the base of it lay the two nations theory which he had accepted. And once it was accepted, he hoped the rest would follow as night, day. He however, gave an exposition of what he understood by Pakistan on the occasion of the Prophet's birth day celebrations on April 12 at Bangalore. He reiterated his faith in Pakistan as the solution for the present political deadlock, and emphasised that the Pakistan idea had unfortunately been painted in such fearful colours that Hindus were unnecessarily frightened by it. He further said :—

" I stand for Pakistan because I do not want that state where we Hindus and Muslims are both not honoured. Let Muslims have Pakistan. If we

* Apparently, the confidence which C. R. exhibited at the time is traceable to a fact which was divulged to the public long afterwards, namely that he had the assent of Gandhi in his pocket to a formula which he had produced before him on the eve of the termination of the fast. And being armed with Gandhi's assent to this formula, he must have been hoping that he would be able to put some proposition relating to agreement on the Pakistan scheme. The details of this subject will be studied later when we study the history of the events in September 1944 after Gandhi's release.

agree then our country will be saved. If the British raise further difficulties, we will overcome those difficulties.....I stand for Pakistan, but I do not think the Congress will agree to this.....There are flowers in the Congress ranks which I want to pluck but the gates are closed and I am not allowed to go near the Congress to plead my cause."

The All-India Muslim League held its 24th Session at Delhi with Mr. Jinnah as President in the Easter week of 1943. He delivered a long address in the course of which amongst other matters, he invited Gandhi to write to him, and his speech was published in the Press in substanee. Mr. Jinnah complained that the British Press in giving their reactions to his speech, based their comments and criticism on the scrappy reports sent to them. His complaint in essence was that :—

> " The present policy of the British Government in ignoring everybody is not the way to win this war, and the sooner this faet is realised the better for every one. If we lose this war, it will be due to the blundering policy of the British Government followed in this country. The food situation, the economic position, the handling of finance and currency in this country have reached the most acute state, and the complacent attitude adopted in regard to these matters is bound to create an unparalleled danger to the total effort, which is so essential to winning this war. .
>
> " The postion of the Muslim League is that of realism, and I am rather surprised that newspapers in Great Britain should have indulged in hackneyed phrases such as " party tactics" and " playing to the gallery". It only shows how badly Britain is informed about the situation in India."

A full version of his speech was, however, given in the *Dawn*, an English daily of Delhi, associated with Mr. Jinnah himself. In so far as his invitation to Gandhi was concerned, the following passage occurs in that full version which is identical with the passage published in the shorter reports, then and there. Mr. Jinnah said :—

The following is the relevant portion of Mr. Jinnah's Presidential Speech at the last session of the All-India Muslim League in response to which Gandhiji wrote a letter to Mr. Jinnah which the Government of India have refused to forward to him :—

" Therefore the position of the Congress is exactly the same as ever. Only it is put in different words and in different language but it means Hindu Raj—Akhand Hindustan basis—the position which we can never accept. Nobody would welcome it more than myself if Mr. Gandhi is even now really willing to come to a settlement with the Muslim League on the basis of Pakistan. Let me tell you that it will be the greatest day both for the Hindus and Mussalmans. If he has made up his mind, what is there to prevent Mr. Gandhi from writing direct to me ? (Cheers.) He is writing letters to the Viceroy. Why does he not write to me direct ? Who is there that can prevent him from doing so ? What is the use of going to the Viceroy and leading deputation and carrying on correspondence ? Who is to prevent Mr. Gandhi to-day ? I cannot believe for a single moment—strong as this Government may be in this country—you may say anything you like against this Government—I cannot believe that they will have the daring to stop such a leter if it is sent to me, (Loud cheers and applause.)

"It will be a very serious thing, indeed, if such a thing is done by the Government. But I do not see evidence of any kind of change of policy on the part of Mr. Gandhi or Congress or the Hindu leadership."

The above is taken from the report of the speech as published in *Dawn* of Delhi.

It will be remembered that Mr. Jinnah had, in declining to join the Leaders, Conference held during Gandhi's fast, stated that Gandhi had undertaken the dangerous fast with a view to enforcing the Congress demand which, if conceded or agreed to under such coercive method, it was obvious, would destroy the Muslim demand and involves complete sacrifice of the vital and paramount interest of Muslim India. Apparently as soon as Gandhi had read the press reports of Mr. Jinnah's speech delivered during the Easter (24th, 28th April), he hastened to write to the Government of India for permission to write to Mr. Jinnah. The letter must have taken its own course not less than 3 weeks to travel from Poona to the Bombay Government and thence to the Government of India ; and one fine morning towards the end of May, the Press published a *communique* from the India Government. There was great tension in the public mind. The *communique* did not say what the contents of Gandhi's letter to Mr. Jinnah were beyond telling the public that he stated he would be glad to meet Mr. Jinnah. The India Government adopted a strange and dubious course. Either they could have sent the letter to Mr. Jinnah or withheld it, but did neither. They announced that such and such a request was made by Gandhi and regretted for reasons stated in the following *communique*, they were unable to send it to the addressee at the same time enclosing a copy of the *communique* to Mr. Jinnah.

NEW DELHI, May, 26.

" The Government of India have received a request from Mr. Gandhi to forward a short letter from himself to Mr. Jinnah expressing a wish to meet him," says a *communique*.

" In accordance with their known policy in regard to correspondence or interviews with Mr. Gandhi, the Government of India have decided that this letter cannot be forwarded and have so informed Mr. Gandhi and Mr. Jinnah. They are not prepared to give facilities for political correspondence or contact to a person detained for promoting an illegal mass movement which he has not disavowed and thus gravely embarrassing India's war effort at a critical time. It rests with Mr. Gandhi to satisfy the Government of India that he can safely be allowed once more to partcipate in the public affairs of the country, and until he does so, the disabilities from which he suffers are of his own choice."

In connection with Mr. Gandhi's letter, political observers recall the words which Mr. Jinnah used in the course of his Presidential Address to the annual session of the Muslim League at Delhi last month.

Official reaction in London to the Government of India's refusal to forward Mr. Gandhi's letter to Mr. Jinnah is clear, writes *Reuter's* political correspondent. It is that the Government of India's decision will meet with the full support of the British Government.

It is indicated authoritatively that with the security of India and successful prosecution of the war as paramount considerations, there is no intention of allowing Mr. Gandhi or any other Congress Party leaders under detention to participate during the war in any political discussions or negotiations so long as they remain committed to the policy of non-co-operation and to campaign against the war effort of India and, in the words of the *communique*, until they can safely be allowed once more to participate in the public affairs of the country."

It is on the basis of this policy that Mr. William Philips, President Roosevelt's personal representative, Sir Tej Bahadur Sapru and others were not allowed to see Mr. Gandhi. Mr. Churchill's address to the United States Congress provides the broad setting into which the Government of India's action fits.

Commenting on the Indian Government's refusal to forward a letter from Mr. Gandhi to the Head of the Muslim League, Mr. Jinnah, the *Manchester Guardian* says : " This may be consistent; but consistency is not the final virtue in governing, and the Indian Government, to do them justice, have often been inconsistent in the past. Do they propose to pursue their seclusion policy indefinitely ? Mr. Jinnah can now say that he has appealed to Mr. Gandhi to establish Indian unity—as the British and Indian Governments are always telling them both to do—and that he has had the door which might have led to it shut by the Indian Government. Mr. Gandhi will say that when for his part he was anxious to respond, the Indian Government kept the door shut.

" Is it wise to antagonise everyone; why should not the Indian Government allow other leaders to see Mr. Gandhi and find out what comes of it ? "

The whole country was astir with expectation of Mr. Jinnah's reply. Did he expect such a letter from Gandhi when he spoke in Delhi in those challenging terms ? Jinnah took a little time in publishing his reply which is printed below.

" This letter of Mr. Gandhi can only be construed as a move on his part to embroil the Muslim League to come into clash with the British Government solely for the purpose of helping his release, so that he would be free to do what he pleases thereafter," declared Mr. M. A. Jinnah, President of the All-India Muslim League, in a statement to *The Times of India*, commenting on the refusal of the Government of India to forward to him Mr. Gandhi's letter expressing a wish to meet him.

Mr. Jinnah was of the opinion that there was really no change of policy on the part of Mr. Gandhi and no genuine desire to meet the suggestions that he (Mr. Jinnah) had made in his speech during the session of the All-India Muslim League at Delhi.

In that speech, continued Mr. Jinnah, he had suggested that if Mr. Gandhi were to write to a him letter indicating that he was prepared to retrace his steps and abandon his policy and programme culminating in the resolution of the All-India Congress Committee of August 8 last, and was even now willing to come to a settlement with the Muslim League on the basis of Pakistan, " we were willing to bury the past and forget it. I still believe that Government will not dare to stop such a letter if it came from Mr. Gandhi."

" Although I have always been ready and willing to meet Mr. Gandhi or any other Hindu leader and shall be still glad to meet him," continued Mr. Jinnah, " yet merely expressing his desire to meet me is not the kind of ephemeral letter that I suggested in my speech that Mr. Gandhi should write, and which has been now stopped by Government. I have received a communication from the Secretary to the Government of India, Home Department, dated May, 24, that Mr. Gandhi's letter merely expresses a wish to meet me and this letter, Government have decided, cannot be forwarded to me."

From a comparison of the statement of Mr. Jinnah as quoted from the authorized version of his speech in the *Dawn* of Delhi and his own summary of it in his reply virtually to Gandhi, it would be obvious that there is a serious discrepancy. All that he wanted in the former was that Gandhi should write to him on the basis of Pakistan. That would mean that he should be ready

to discuss the principle and policy of Pakistan. So far Mr. Jinnah had not said a word about the meaning and scope of the intended Pakistan beyond repeating the word. Leave that alone, but where did he refer to ' Gandhi withdrawing the Bombay Resolution and proving his change of heart.' The mighty British Government calls for a change of heart in Gandhi and the mightier Mr. Jinnah repeats it. The vindictive British Government demands "the assurances and the most effective guarantees" and the more vindictive Jinnah says that in that speech he had suggested that Gandhi should write to him indicating that he was prepared to retrace his steps and abandon his policy and programme culminating in the Resolution of the A.I.C.C. in Bombay. Did he originally make such a suggestion? In a court of law, a lawyer making such a statement would be regarded as quoting out of records. But coming to the merits of the suggestion, why should Gandhi proclaim his penitence at the shrine of the Muslim League when he could more easily have gone down on all fours before the Viceroy and got his freedom and with it his chance of meeting Mr. Jinnah at Mount Pleasant Road on the Malabar Hill, with no Government permission. It is strange that this simple point should not have occurred to Mr. Jinnah or may it be that he set himself up in the position of a Super Viceroy thinking " Viceroys may come and Viceroys may go but I remain for ever." There is just another aspect of Mr. Jinnah's letter which deserves attention. He complains that Gandhi's letter could be construed as a move on his part to embroil the Muslim League to come into clash with the British Government solely for the purpose of helping his release so that he would be free to do what he pleased thereafter. This to be sure, was a little too ingenious. What was Mr. Jinnah's objection? Was it that the relations of the Muslim League are so cordial with Government that it would not like to come into clash with them or would not like to come into clash with the British Government solely for the purpose of helping his release? If it be the former, have we not seen how the Muslim League flourished the big stick in plumping for Complete Independence, in forbidding the Leaguers to form or join ministries since the outbreak of the war except on its own terms, in preventing them from joining the Defence Council and the National War Front? Did it not come to violent clash with Mr. Amery and the Viceroy at the time of the expansion of the Central Executive Council ? But if it is the latter, *i.e.*, embroiling the League to come into clash with British Government for the purpose of helping his release, the move on Gandhi's part would be such a sordid trick as would be incompatible with his mental make up or moral trends in life. In effect, Mr. Jinnah would deem this offer of Gandhi as a bait to Mr. Jinnah thrown in the expectation that he would swallow the bait, hook and string and the two could sail or sink together and as the latter (sinking) would not be allowed by Government whose friendship and favour Mr. Jinnah enjoyed, the two would be saved.

Apparently Mr. Jinnah did not wish to lose the good opinion that Mr. Amery had of him as indicated in the answers he gave in the Commons at question time on May 13, 1943. Mr. Amery said :—

> " We are all agreed that lasting solution of Hindu-Muslim question is indispensable to India's constitutional advance. Reports of Mr. Jinnah's speech do not, however, indicate that in stressing the need for unity he outlined any specific solution likely to be acceptable to the Hindu opinion. In any case, he did not associate himself with the kind of subversive activity for which it became necessary to intern Congress Party leaders. On the contrary, in the same speech he is

reported to have said referring to them, 'if it had been our own Government, I would have put these people in jail in order to prevent a powerful organisation from letting those an anti-war campaign.' The last part of the question, therefore, does not arise."

The interpellations, original and supplementary, and their answers show that Mr. Amery did not think much of the Hindu-Muslim action in *antagonism* to the British Government nor did Mr. Jinnah seem to think of that antagonism seriously as he did not wish the League to be embroiled with the British Government. Mr. Amery and Mr. Jinnah were playing at hide and seek. The former affected to have forgotten all the pronouncements and circulars of the League against participation in war effort though he hinted at them when he said to the Earl of Wintterton : " Certainly he has not created the same difficulties." Mr. Amery is good enough to draw a veil over the past attitude of the League and says " Mr. Jinnah has consistently and persistently supported the war effort of the Government of India."* Has he ? How profoundly short are the memories of politicians ! Verily like two augurs they may well grin in each other's faces !

Mr. Jinnah overshot his mark and before his reply was published, the Press in India,—English and Urdu alike—in one voice condemned the action of Government in treating Gandhi's letter not merely with such scant courtesy but with such unmitigated contempt. When, however, Mr. Jinnah came out with his reply, the public ire turned towards the League Leader and certain pronounced reactions came into being. Again there were the individual criticisms of friends like Dr. Latif of Hyderabad and Dr. Shaukat Ansari of Delhi in regard to the prosecution of the war "unless people feel, they have their real voice and share in the government of the country." (What else has the Congress said from the very beginning of the war and in the Bombay Resolution ? Only it planned to put into force its sanctions.) But easily the most finished, self-respecting and effective reply was given by Sir Jagdish Prasad, a retired I.C.S. member of the Government of India in which he said :—

" Mr. Jinnah's statement on the Government of India's refusal to allow Mahatma Gandhi to write to him deserves more comment than the refusal itself. Habitual bombast often lands Mr. Jinnah in awkward predicaments. In his recent oration at Delhi he tried to produce the impression that he had now attained to such a degree of power that the British Government could not risk his displeasure. He invited Mahatma Gandhi to write to him direct and announced somewhat majestically that the Government of India dare not stop the letter. The letter was written and was stopped. Mr. Jinnah, with practised agility, now tries to get out of the difficulty by the cheap device of attacking the writer. He knows that he can do so with impunity as Gandhiji will not be allowed an opportunity to reply.

" Most people are, however, not so simple as to believe that it is ever worthwihile to attempt to bring Mr. Jinnah in conflict with the British Government. However much he may bully some of his countrymen, he knows only too well that he cannot browbeat the British Government. He is shrewed enough to realise that the partition of India cannot be brought about merely by tall talk and resolutions. He, therefore, insists that his Pakistan must receive a British guarantee. In other words the division of

* In a press interview in September 1942, Mr. Jinnah declared in answer to a question put by an American correspondent, "The Muslim League is not supporting the war effort. It is not that the Muslim League is recalcitrant or inimical but it is unable to give whole hearted and enthusiastic support and co-operation.

India must be perpetuated in the last resort by the armed might of Great Britain. Mr. Jinnah's present policy is to seek an alliance with the British Government for the permanent division of India and not to embroil himself with the authorities. If this is clearly grasped there is little difficulty in understanding why Mr. Jinnah's somewhat theatrical attitudes are treated with such indulgence in high quarters in England. The folly of quarrelling with the British Government must be reserved for his opponents and the longer the quarrel lasts the less dissatisfied will Mr. Jinnah be. What is, however, surprising is that some prominent men outside Mr. Jinnah's fold should look to him for succour in their distress. In their helplessness they perhaps fondly imagine that by setting up Mr. Jinnah as a kind of political deity and offering humble prayers they will secure salvation for their country. Have they so easily forgotten his antecedents, his present policy and his future ambitions? Their pitiful appeals will further inflame his vanity. He cannot be appeased. He has laid down his inexorable terms. Accept Pakistan and do not ask what it means. That is a secret which can only be divulged after the principle has been accpted and has received a British guarantee.

" Mr. Jinnah, however, forgets that over 250 million people, including some of the most powerful Indian States, will never agree to an undefined partition of their country at his bidding. They are not unduly depressed or dismayed by the formation of five Muslim League ministries sworn to dutiful obedience to his behests. They have not yet forgotten how to face adversity with unflinching courage and fortitude. Mr. Jinnah has had his day of deliverance and fortitude. Fortune may yet bring deliverance to others whom he now despises. In the estimation of many the stoutest protection against external aggression and internal disruption lies in securing adequate representation in the armed forces of the country. The war has thrown wide open the door of recruitment. Both wisdom and safety enjoin that the fullest use be made of this opportunity ; the policy of submitting appeals and epistles to Mr. Jinnah should be forthwith abandoned.

"However much people in India may shake their heads over Mr. Jinnah's latest statement, it is almost certain that it will receive the honour and dignity of being quoted with approval by Mr. Amery in the House of Commons.

" Let us not grudge Mr. Jinnah these transmarine fights from so distinguished a personage."

Almost the first attack on Government was the *Dawn's* comment dated 28th May : " Is it the policy of the Government of India not to do a thing, and at the same time stand in the way of others attempting anything ?"

Mr. Jinnah, in the course of his Presidential Address at Delhi had said, as has been already pointed out that if he were running the Government of the country, he would certainly put in prison Gandhi and his followers and colleagues, for organizing a mass movement of disorder.

We rub our eyes and ask whether it is the same Mohammad Ali Jinnah who twenty-one years ago spoke in a different tone altogether. For look at the following archaeological find which was unearthed by Mr. A. N. Hajeebhoy and published in the *Bombay Chronicle* Weekly of June 27, (1943)—

> " Every responsible citizen in India must look upon the present position as thoroughly unjustifiable The Government have justified the present measures on the ground that Law and Order must be maintained to which no exception can be taken. But it is not possible to maintain Law and Order either by force or by statutes. When it is a

matter of common knowledge that intellectual and thoughtful public opinion is not respected and satisfied.

"The Non-co-operation Movement is only a symptom and expression of general dissatisfaction owing to the utter disregard of public opinion and of outstanding grievances. No Government has ever succeeded in fighting against the people and repression will only make matter worse...

"It is often said that sober people should rally round the authority. How is it possible for them to support and stand by the Government when the Government has paid no heed to what even they have urged, ...for the last nine months?"

These words were written in the course of a statement Mr. Jinnah had issued during the regime of Lord Reading over twenty years ago in 1921-22.

However much Mr. Jinnah might protest as he did at the Press Conference on June 4th at Karachi that he had been misunderstood and misrepresented and misquoted by the Hindu Press, he could not so easily get away from the criticisms of men like Messrs. Brelvi, Shaukat Ansari, Dr. Latif of Hyderabad, Rahim Baksh and Baksh Anwar Ali of Lahore and above all of Allama Inayatulla Khan Mashriqui. The last of them clinched the issue that if the Congress agreed to Pakistan forthright, there was no further need for any settlement such that Mr. Jinnah had referred to in his speech. Then the Allama asked Mr. Jinnah peremptorily to stick to his original settlement, which no doubt spoke of the basis of Pakistan but never referred to withdrawal of the Bombay Resolution. The Urdu Press in one voice condemned the Government's attitude in regard to Gandhi's letter and this was followed by a chorus of disapproval of Mr. Jinnah's own statement so placing it beyond all doubt that those very friends who had been earnestly seeking to employ their good offices with the two parties to bring about a rapprochement, found themselves not only in a helpless but in an awakward and unenviable position. Nor was there much doubt about the widely circulated reports that this attitude of wilfulness on the part of their leader deeply disturbed the minds of not a few of the leaders of the League itself who like any other public worker in India would, as realistic politicians, desire to see the end one day, of mere dialectics in political controversy. A situation so evolved began to create a feeling of void in all of them and that was perhaps the only tangible result of the episode. For the rest, the feeling in Muslim circles had its counterpart in the general public that thereafter a new strategy must be pursued by the parties to the conflict.

The Hindu Maha Sabha, however, pursued its own policy. The spectacle of five or six provinces run by the League Premiers created an earnest desire among them that in suitable provinces they might run their own ministries at any rate, ministries with Maha Sabha Premiers and where that was not possible, coalition ministries, formed by combination with other groups. A message from New Delhi stated that it was understood that the Hindu Mahasabha would shortly set up a parliamentary sub-committee to direct and control the constitutional activities of the Sabha. It was further learnt that Dr. Shyama Prasad Mukerjee would be the Chairman of the sub-committee. This revival of interest not in elections but in the formation of Ministries while the Congress was in duress, sounds strange indeed not because it was not rooted in any intrinsic strength of the Sabha but because it was traceable to an unholy and an uncouth combination with the opponents of the Congress. The sad failure of the Sabha candidates during the General Elections of 1937 is well known. Nor has the Sabha run any of its candidates at the time of the bye-elections. It was proclaimed at first that the seat

in the Central Assembly which fell vacant by the deeply lamented demise of Mr. Satyamurti would be contested by the President of the South India branch of the Maha Sabha who was also a Vice-President of the All-India Sabha.

No such candidate was forthcoming. But the Maha Sabha had its plans of combination with the League to form ministries while its hostility to the League was ever so pronounced. The Hindu Maha Sabha reduced itself to the position of the " Hindu Edition of the League" as was well said at the time and was abusing the Congress in season and out of season as yielding to the League demands, while all the time it had been trying to share the booty with the League, in the absence of those people whom the Electorate had returned as its true representatives in the Legislature. It is noteworthy that the Hindu Sabha ministers of Sind remained passive spectators to the passing of a resolution in favour of Pakistan by the Sind Legislature, and contented themselves with a protest which remained impotent and unimpressive. Did the Sabha even consider what the position of its ministers would or should be as the League Ministers went on conducting a tearing raging propaganda in favour of Pakistan ? Should they too carry on a like propaganda against it ? If so, where was joint responsibility? If not, where was their much advertised antipathy to Pakistan ?

On August 23, 1942, in a speech in Delhi, Hon. Dr. Ambedkar claimed equality of treatment for the Depressed Classes with Muslims. It will be remembered how a separate identity was accorded to the former by original Communal Award of Ramsay MacDonald which Gandhi had got modified by his 'fast unto death' in 1932, so re-integrating them in the Hindus.

Mr. Lionel Fielden, a former Controller of Broadcasting in India, said at a crowded mass meeting in London organised by the Commonwealth Party, on 18th March that " If Winston Churchill went to India and saw it as it is now, he would be a very good man to solve the problem."

In England all the parties met in their respective conferences in summer (1943) and dealt with the question of India which had forced itself to the front as much by the commotion in India as by the Tunisian Victory and the part played by the 4th Indian Division.

The Labour Party's Conference concluded in the middle of June with its own sensations of competition between Herbert Morrison and Arthur Greenwood, its own conflicts between the Communist Party seeking affiliation with Labour after the dissolution of the Third International and orthodox Labour rejecting the application. But on India there was no conflict whatever. The Conference was content to leave her where Labour had left her earlier in August 1942, and bypassing the two resolutions on India introduced by local party delegates at the Labour Party Conference.

Amidst protests from a number of delegates against the Executive's suggestions, that owing to lack of time in the closing hours of the Conference, there should be no further discussion (of the resolutions on India). Mr. Arthur Greenwood suggested that resolutions should be withdrawn on " my definite undertaking that we shall go to joint committee in the near future to discuss the matter in the light of the Executive Committee's report."

The Executive's report on India which was among the section of general reports passed by the conference *en bloc* without discussions because of pressure of time, stated that the Joint Committee on India consisting of India Committee of the Parlimentary Labour Party and the International sub-committee of the National Executive, had continued their study of the constitutional Indian problem and of the rejection of the Cripps' Proposals. It quoted the declaration on the 12th of the previous August, by the Party Executive and

the Trades Union Congress General Council, deprecating the Civil Disobedience Movement and urging Government to make clear that on the abandonment of Civil Disobedience it would be ready to resume discussions with a view to safeguarding and implementing the principle of Indian Self-Government. The two resolutions were accordingly withdrawn on the assurance that the Executive would open new discussion on the policy regarding India. That the Executive of the Labour Party was still under a misapprehension that Congress had started Civil Disobedience on August 9th, 1942, was evident from their confirmation of their Resolution of August 12, 1942.

Let us here anticipate matters somewhat. The way in which the Joint Committee of the Labour Conference and the Trade Union Congress transacted business relating to the Indian Deadlock, reflects little credit on the British Labour Party in Parliament. If a similar incident had happened in India or any one of the colonies, they would have been branded as totalitarian (new style) in their outlook and unfit for democratic Government. The details of the procedure adopted by some members of the Committee are set forth in the following note which was published in the *Amrit Bazaar Patrika* and which emanated from this enterprising daily's London office on Friday, October 15th *i.e.*, four days after Lord Wavell had left London.

"The adjourned meeting of the Joint Committee on India of the National Executive of the Labour Party and its Parliamentary Committee came to an abrupt end on Tuesday afternoon, when it was revealed to the surprise of its more leftist members that some of its members without obtaining the Committee's final approval had visited Lord Wavell and discussed the situation with him in relation to India.

It may be noted that on October 5 the Committee decided to meet again to have an opportunity of discussing the situation in India with the Cabinet Members, Mr. Attlee and Mr. Bevin after which it was agreed that the deputation should meet Lord Wavell to submit to him their considered statement embodying the views of the Committee to resolve the Indian deadlock.

I, however, understand that at last after Tuesday's meeting Mr. Ridley announced that he and some of his other colleagues (neither Mr. Sorensen, Prof. Laski and Mr. Cove were included in it) had already seen Lord Wavell and discussed the situation on India with him. This announcement was followed by angry protests from Mr. Cove and others against the action of Mr. Ridley and his colleagues who refused to divulge to the committee the nature of the discussion that took place between Lord Wavell and the Labour members. The Committee by a majority of votes decided to approve of Mr. Ridley's action."

That Labour's outlook was as Imperialistic as that of the Conservatives, was equally evident from the fact that the Party's headquarters in London had issued circulars to members of the Party asking them ' to refrain from supporting the India meetings which do not follow the policy of the Labour Party on India." The Labour Party still laboured under the misapprehension—or is it that it still chose to misrepresent,—that the Congress was seeking all power for itself when it was demanding the transfer of Power to the people of India. How else could it have advised the Labour members of Parliament "not to associate themselves with meetings advocating transfer of all authority to Congress". With Labour as with the Aristocracy a lie gets six months or even a year's advance of the Truth and dies hard if it does at all.

A new feature developed in British public opinion. It has often been said by just minded Englishmen when confronted with the views of the ruling families of England on India that the heart of England is sound. It was often felt that the heart might be sound and the head might be clear but the

hand was impotent. Yet to be just to such rare Britishers who see things aright we must quote the opinion of the working classes.

The Preston branch of the Electrical Trades Union passed the following resolution : "We ask the Government to give India her own free Government."

The Scottish Trades Union Congress demanded unanimously " full cooperation with the Indian people against fascism to be enlisted by releasing leaders and opening negotiations."

Similar views were voiced by the London City and Central Branch of the Clerical and Administrative Workers' Union.

There was undoubted unrest in Britain on the future of India. Plans and programmes began to flow in from week to week. One day it is Mr. Amery the inevitable and ubiquitous Secretary of State for India who pleads for a mutual understanding while opening an exhibition of the Indian galleries in London (June 10th) " The much vexed problems of Indian politics to-day" says he, " have after all arisen during the past generation and will, without doubt, be modified beyond all recognition before the next generation." It is only by understanding the inner life of people that they could understand and sympathise with them and share in their life in the political field. India must forsooth be grateful for even such small mercies. Let it be marked that even so the problem would only be modified beyond recognition, not solved once for all. Indeed in Mr. Amery's view the lapse of time was not destined to bring the solution any the nearer. Like the mirage that recedes with the traveller's approach and finally disappears without yielding those life-giving waters that would quench his thirst, the nearer one sought to approach the Indian problem the farther it tended to recede. Speaking in 1941, Mr. Amery compared the Indian problem to the mountain peak which one might think was within his reach the higher one climbed. But one climbed higher only to find the peak farther removed still and required a higher and higher ascent. As often happens on the hills, that last peak may be only a thousand feet higher after one has climbed eight or ten thousand feet. But Mr. Amery speaking two years later, took the solution of the Indian problem such as might it be, one generation farther. Obviously his plan was to allow the deadlock to remain not merely during the pendency of the war but another thirty years succeeding its termination.

One may profitably read this pious and prayerful wish of Mr. Amery side by side with a somewhat unusual and unexpected statement by Mrs. Iris Portal who in terms of the present generation may be described as the sister of Mr. R. A. Butler, Minister of Education in Britain, and in terms of a past generation as the daughter of Sir Montagu Butler, Governor of C. P. She has condensed her twenty years' experience in India into a pretty statement made in the course of her address delivered on the eve of Mr. Amery's speech, before the East India Association, London, wherein she said :—

> " It is better to see the betrayal of the best in us by individual British behaviour. This behaviour arises partly from ignorance and bad manners. The British as a whole never exchange ideas with Indians. The diet of polo, ma-hjong and bridge is not very nourishing to ideas. There is also the bugbear of prestige."

At the end of the address she was attacked outright by the elderly Dames of Anglo-Indian prestige and she neatly parried the attacks by the simple stroke of humour that she expected the audience to consist of the younger generation as much as to say that the older generation was incorrigible.

Lord Samuel was clearer in his advocacy the very next day that Amery had spoken of the continuance of the Empire. He advocated the formation of a Standing Joint Committee of Parliament to deal with colonial problems. 'The time has passed,' said he, 'when the break-up of Empires could be regarded as a step towards progress. We have already 68 sovereign States and we should work towards more of their integration and not of their multiplication bringing in scores of new frontiers, and the possibilities of new causes of quarrels.' He ended by saying that if the 20th century dissolved the British Empire, probably, it would be not too much to say that the 21st century would have to recreate it.

While this is so, seven back bench Labour members of Parliament issued a declaration (June 11th) " announcing the establishment of 'a Council for the International recognition of Indian Independence' whose avowed aim was to obtain a solemn guarantee from the United Nations for India in exercise of those rights proclaimed in the Atlantic Charter as belonging to all people." The declaration was also signed by Prof. George Catlin, a well-known writer on political and constitutional affairs and former Professor of Politics at the Cornell University.

Labour, not the Labour Party,—was astir and agitated over the treatment accorded to India. Over fourteen organizations submitted resolutions to be considered at the Whitsuntide Conference (June 13th). None of them eulogised the party leaders who were in Government and on the contrary censured them for their failure in finding a proper solution. They all demanded, in one voice, a fresh start in India for negotiation, the prerequisite for which they all pointed out, was the immediate release of imprisoned Congressmen. Those sponsoring the resolutions included party organizations and branches which had consistently supported party leadership upon major issues of Foreign and domestic policies.

In the month of July 1943, various organisations in England including the India League, the British Communist Party and the amalgamated Engineers' Union strongly demanded that negotiations with the Indian leaders be revived and those in prison be released. Messrs. Lindsey Drummond issued a 80-page booklet containing selections from Gandhi's writings, speeches and statements in the months before his arrest in August 1942, which contained no comments whatever, not even a preparatory note, for the purpose of educating the British people.

The newly formed Commonwealth Party under the leadership of Sir Richard Auckland, joined the other organisations interested in the solution of the Indian tangle. It was in the first week of July that Premier Churchill made a speech in the Guildhall in which, dealing with India, he struck a note which appeared to be new in that he did not employ his usual deprecatory tone. After expressing his preference for the expression " the British Commonwealth and Empire" to describe " the unique association of races built up partly by conquest, largely by consent, but mostly unconsciously and without design within the all embracing golden circle of the crown," Mr. Churchill said : " It is an overpowering influence and impulse that makes Canada, Australia, New Zealand and South Africa send their manhood across the oceans to fight or die. *In the vast sub-continent of India which, we trust, will presently find full satisfaction within the British Commonwealth of Nations*, the martial races and many others have thronged to the Imperial standard." *Presently* did not mean weeks or months but years !

Later came the British Council of Churches assuring India of its support to her cause. An influentially signed appeal over the signatures of Prof. Joad, Prof. Harold Laski, Mr. Clement Davies, M.P., the Archdeacon of West-

minster, Sir Richard Gregory, Sir Ernest Bennett, M.P., Prof. Norman Bentwieh and the Bishops of Birmingham and Bradford and some others, was issued on August 6th urging a revision of the Indian policy on the occasion of the 1st anniversary of the arrest of the leaders.

A confirmed Tory, Sir Alfred Waton, pleaded that the Indians should be treated as equals and " ourselves as guests" and asked for the abandonment of the attitude of the superiority.

The story of British Imperialism in India is indeed a twice-told tale. British Imperialism is nearly lost. But a perpetual struggle has been going on between Imperialism lost and Imperialism regained, Imperialism threatened and Imperialism retained. Britain is deeply concerned to retain what she had gained in World War No. I. She has been openly charged by the Editors of *Life* with fighting this world war for retaining her empire and the only answer to it is that she will hold to her own and she must get the price for the sacrifices she makes on behalf of her Colonies. Mr. Amery had said while he was Secretary for Colonies that it must be Britain's lookout hereafter to send her better class citizens—those of the upper middle class to inhabit, to colonize the empire. Amery and Churchill make a happy family of Imperialists. Amery and Linlithgow are like the Siamese Twins or at any rate are like David and Jonathan or Ddamon and Pythias. They have two bodies but one spirit, they speak in two tongues but one voice. What Linlithgow speaks on the 8th of August 1940, Amery repeats on the 14th in the House of Commons. What Amery says in the House of Commons on 31st March 1943, Linlithgow echoes on the 1st April. If the Secretary of State demands from Gandhi and the Congress leaders " the most explicit assurances and the most effective guarantees" the Viceroy demands " withdrawal of Resolutions, condemnation of violence and guarantees acceptable to Government before they can re-enter politics. Churchill, Amery and Linlithgow make a happy and harmonious whole." Churchill wills, Amery plans, Linlithgow executes. The spirit, the mind and the body, make the complete organism of British Imperialism. It no longer recognizes Responsible Government. The furcoat that suits the bleak plains of Canada and the chalky cliffs of Albion is ill-suited to the blazing heat of Calcutta and Delhi. It was a mistake that Montagu had made in the announcement of August 1917 though it was not the clever Jew but the proud Engishman, Lord Curzon that had drafted it. The 1935 Act was passed after exploring and stopping all crannies and crevices through which the fresh air of freedom might escape into the Secretariat Chambers of New Delhi. Yet the franchise worked out by Lord Lothian (peace be to his soul!) worked havoc. The sixty million voters were not able to return Congressmen to a majority of seats, but helped to establish Congress power in a majority of provinces. The Congress was dazed with power and went mad. Churchill willed that Congress must be crushed, Amery planned to imprison Congress and keep it in prison until all vestige and trace of its influence and power in the provinces was wiped out. The strategy was to be a province to province conquest like the American strategy of Island to Island conquest in the Pacific against Japan. By the time therefore the Congress might emerge from its incarceration, the spectacle that must meet its eye should be the ministry of the League in five provinces and coalition Ministries of non-Congress parties in the rest of India, then the revolt of the Harijans, the isolation of the Sikhs and the reinstalling of the Justice Party in South India on the throne of power from which it had been deposed. When thus the Indian provinces shall have been reorganised, the very name of the Congress will sting in the nostrils of the masses and like the Common prisoners that after long terms return home and find it desolate, these

exalted political prisoners must find their constituencies denuded of their supporters and their electorates cutting them as they pass the villages. So did Willingdon think in 1934 and to his dismay found the Congress sweeping the polls in the elections of the year to the Central Legislature. So did Sir Samuel Hoare and Lord Zetland and Mr. Amery thought in 1936-37 but to their dismay, Congress swept the polls once again in the elections of 1937 to the Provincial Legislatures. Elections are at any time dangerous. Little was it expected that 60 million voters would behave so radically, that the Zamindars who promised to spare no effort or means in winning the elections, would be routed so abjectly. There should not, therefore, be elections though six years in 1943 and eight in 1945 might have elapsed since the Provincial Elections had taken place in 1937, and eight years in 1943 and eleven in 1945 since the elections to the Central Assembly took place in 1934. Nor need the Legislatures be summoned for at least six months. The budgets are passed wherever necessary by the Advisers' Government under Section 93. It should, therefore, be easy to summon some adventurous leader and make him the Premier. In Sind, Punjab, Bengal, Assam and North West Frontier, it was the League's name that led. In Orissa, a Zamindar came forward to lead. Why not the Hindu Maha Sabha in the rest of the provinces? The balance of power would be restored then between the main elements of India. So arguing, the Bureaucracy dismissed in 1942 the Premier of Sind from office because he had resigned his title of Khan Bahadur. It is the pleasure of the Governor that counts, not the confidence of the Legislature. Let us study the cases of Sind, Bengal and North-West Frontier and other provinces a little more in detail.

## CHAPTER XX.

### Ministries.

Of the League-governed Provinces, Bengal is the most important as it is the biggest province. In December, 1941 Fazl-ul-Huq had resigned his Premiership and was called upon by the Governor to re-form his ministry. In its reconstruction, he got rid of some League Ministers and this was not an event that could be lightly put up with. A year and half was more than the necessary waiting time and much water flowed since under the new Bally bridge over the Hughli. The war approached the eastern border of Bengal. Feni and Chittagong became the targets of repeated bombing by the Japanese. And the food problem brought home the hardships of war to the remotest corners of the country which might never have seen a bomber or an aeroplane, an aircraft or a mercantile marine, a Tank or a Brenn gun, a rifle or a revolver, a soldier or a sepoy. Apart from the progressively acute situation created by scarcity of foodstuffs, the Governor's interference with the daily routine of Ministers' duties went beyond the limits of tolerance. The scandals of Midnapur atrocities and Dacca shooting demanded and deserved public enquiry and obtained promises in that behalf from the Premier. The Governor would not agree. This internal and domestic feud reached its acme by the last week of November and led to the resignation of Dr. Shyama Prasad Mukherjee who is a son of the great Justice Ashutosh Mukherjee. The son held in his own day the office of the Vice-Chancellor of Calcutta University once ever so ably filled by his revered father.

Nemesis was hard at work. The handwriting on the wall could not be erased by the greatest of adventurers. Fuzl-ul-Huq had no settled views on questions of politics, nationalism or communalism. On the eve of the Dacca Riots in 1940-41, he had made the wildest speeches on the duty and capacity of the Muslims. He had moved the Pakistan Resolution at the Lahore Conference of the League in 1940. He was an out and out Leaguer for a time. But early in February 1942 he changed his position and in a controversy he had entered into in the Bengal press he declared that the League scheme could not be applied to Bengal and reinterpreted the Lahore Resolution. Mr. Huq who was an ardent Muslim Leaguer was seeking to wriggle himself out of that situation. Between these two points of time, he had exposed himself to disciplinary action at the hands of the League and early in 1942 sought re-admission in the League.

From the termination of this interlude, Mr. Huq's position became one of dubiety as Premier. Attacks from outside as well as certain legitimate steps in administration he took as Premier precipitated the crisis of December 1942. For one thing the attacks on his administration by the League Party became fierce. Yet he maintained his ground and was able to sustain his majority which though it somewhat became attenuated, stood at a clear 150 and 100 in an Assembly of 250. The European Wing joined hands with the League and hastened the crisis. On the top of this came the conflict with Government on more than one point, namely,—his statement on the food problem, his direct answer in the Assembly that at one place the machine-gun was fired on innocent labourers working on the Railway line, and his promise of enquiry into the Dacca shooting and Midnapur horrors. Mr. Huq was between two fires in February 1943. He was not able to

tolerate the encroachments by the Governor on his powers, nor was he able to tell the whole truth to the House.

The statement that there was not a single day since the formation of his last ministry when he (Mr. Fazlul Huq) did not come into conflict either with the Governor or with the representatives of vested interests or with permanent officials in respect of matters of grave public importance was made by Mr. Fazlul Huq, addressing a public meeting.

He had been to Dacca just after the shooting incident there in August 1942 and had heard an account of it from the political security prisoners.

He felt necessity of an enquiry committee. All parties and groups in the Legislature demanded an Enquiry Committee and he promised to set up a tribunal.

But, added Mr. Huq, the Governor got very angry with him and asked him why he had promised to set up an Enquiry Committee.

Mr. Huq told the Governor that all parties had demanded it.

On several occasions Mr. Huq gave the proposed personnel of the Committee, but the Governor did not agree, and had not to date, thought fit to appoint the Committee.

Referring to Midnapure affairs, Mr. Huq said that he felt the need for enquiries into allegations made against certain permanent officials. But His Excellency opposed his decision for a tribunal.

Mr. Huq also said that the policy of removal of rice from surplus districts in pursuance of the denial policy was given effect to without his consent.

The news that Mr. A. K. Fazlul Huq had resigned and his resignation had been accepted by the Governor came upon the House as a complete surprise. Even the Muslim Leaguers, who had been trying hard to dislodge Mr. Huq were not prepared for an eventuality of this surprising character. Their leaders Sir Nazimuddin and Mr. H. S. Suhrawardy were not even present when Mr. Huq made his statement in reply to the questions put by the Leader of the Congress Party, Mr. Kiran Sanker Roy. The extent of the amazement of the Muslim Leaguers could be guaged from the fact that when they heard the news from the lips of Mr. Huq himself, they made no demonstration. Their allies of the European Bench were also leaderless at the time, only a handful being present.

It was revealed on March 30th by Mr. Fazl-ul-Huq in the Bengal Assembly on Monday that a letter of resignation was ready typed at Government House and that the choice before him was either to sign the typed letter or get dismissed. The revelation regarding the presentation of a typed letter of resignation for signature at Government House to Mr. Fazlul Huq was received in the Assembly with cries of "shame" by the Ministerialist and Congress parties.

Dr. N. Sanyal (Official Congress Party) said : "We feel that the House would be unanimous in demanding the recalling of the Governor Sir John Herbert."

At last after 29 days' waiting and on the morrow of Easter Friday the Bengal Ministry was resurrected from its grave but with a new structure and a new form. Sir Nazimuddin who had been relieved of his duties as a Minister in the Christmas of 1941 was installed as the Premier of Bengal in the Easter of 1943 with six Leaguers, three representatives of the Harijans, two representatives of the double seceders from the Congress and one other. Mr. Goswami and Mr. Pain were originally Congress Members. They seceded to the Forward Bloc and thence to the League Ministry section.

In the new Government there were 13 Ministers and 17 Parliamentary Secretaries and Whips at fabulous rates of pay.

The " crimes and misdemeanours" of which Mr. Fazlul Huq could have been held guilty by the Governor of Bengal may for a better understanding of the situation in Bengal resulting in his forced resignation of Premiership be conveniently and usefully summarized here.

(1) His passing a resolution in the Bengal Legislative Assembly in favour of the release of Gandhi and an early settlement of the deadlock.

(2) His investigation into the Dacca incident and promise of an enquiry on the floor of the Legislative Assembly into the events in Dacca as well as

(3) the happenings in Midnapore ;

(4) and perhaps also his vacillating policy with respect to the Muslim League.

Mr. Huq accused the Governor of Bengal of gross breach of faith by narrating the inside story of his resignation at Government House to a mammoth meeting in Calcutta.

The scene of the most exciting chapter of this novel, was Government House. It was about 7 o'clock in the evening on March 28 when Mr. Fazlul Huq received a summon from Government House that the Governor wanted to see him. Mr. Huq was then engaged in conversation with his colleagues how to face the no-confidence motion that the Muslim League Party wanted to bring against the Cabinet. It was clear to Mr. Huq that in the event of any such no-confidence motion he would win by a margin of at least 27 votes.

On receipt of the summon Mr. Huq went to Government House at about 7-30 P.M. He was taken to a chamber at a quiet corner of Government House. The doors of the chamber were closed. Inside was the Governor, Mr. Williams, His Excellency's Secretary, and Mr. Huq. There was no other person present. Mr. Huq was in cheerful mood as he was sure that he would be able to defeat any no-confidence motion by a comfortable majority.

After some casual talks, the Governor asked him to resign. It came to Mr. Huq as a shock of surprise. He asked His Excellency why he should resign. Mr Huq pointed out that he commanded the confidence of an effective majority of the Legislature.

The Governor replied that the speech delivered by Mr. Huq in the House that he (Mr. Huq) was prepared to resign for the formation of an All-Parties Cabinet was tantamount to his resignation.

Mr. Huq answered that he was prepared to resign if the Governor thought that His Excellency was in a position to form an All-Parties Cabinet. What Mr. Huq meant when he stated that he was prepared to resign for the formation of an All-Parties Cabinet was that if his remaining in the office was in any way an obstacle to the formation of such an All-Parties cabinet, he would resign the moment such a Cabinet would be formed. Mr. Huq also emphasised that he was prepared to resign if the Governor felt that His Excellency was in a position to form an All-Parties Cabinet. Mr Huq also pointed out that the possibility of the formation of any such Cabinet at the present moment was not in sight. Therefore the question of Mr. Huq's resignation did not arise.

The Governor in reply, admitted that there was no such Ministry in sight. But unless Mr. Huq tendered his resignation the Governor could not call the Party Leaders with a view to form such a Cabinet. Therefore, it was necessary that Mr. Huq should resign. The Governor assured Mr. Huq that he would not use the resignation letter unless it was absolutely necessary. It would remain as a document just for the purpose of showing it to Party Leaders if necessary.

Mr. Fazlul Huq said that he, therefore, took it that the letter of resignation was only to induce the Opposition to agree.

The installation of the Sir Nazimuddin Ministry on the 28th April, 1943 after an interval of 29 days was followed by a meeting of the Legislature in the 1st week of July by which time his forces and following had had time to consolidate themselves. Armed probably then with a clear majority, Sir Nazimuddin set about his business in which the passing of the Budget figured foremost. The problem before the House was whether the 18 items of the Budget passed by the Huq Ministry should be deemed to have been passed in spite of the break in the session and the intervention of Section 93 for about a month or whether the budget had to be placed before the House *de novo*. Objection was taken by the Opposition to the consideration of the continuation budget. The budget is always one and indivisible. It is considered in parts or piecemeal affecting departments for the sake of convenience. It was clearly mentioned by Mr. Fazl-ul- Huq on the night of the 28th March to the Governor that his resignation in the midst of the Budget discussions would cause serious embarrassment as its consideration could not be in broken parts. The Governor would not heed the caution. Sir Nazimuddin stood to reap the harvest on the 6th July of what the Governor had sown on the 28th March. It was a short crop but a pernicious one. Indeed the Governor himself acting under Section 93 in passing the Budget included the 18 items already passed by the Fazlul Huq Ministry. That provided ample proof that the 18 items had lapsed. Now came the new Premier with the theory that the consideration of a continuation Budget was a thoroughly constitutional procedure. Apart from this, the amount spent during the time of the Governor acting under Section 93 was indeterminated and therefore the balance of the Revenue and Expenditure was equally indeterminated and no budget could be passed for items of Revenue and Expenditure for which figures were not forthcoming. There was no reason why Bengal could not provide the figures while Assam and Orissa once similarly circumstanced could and did provide the figures when the ministries came into office in the middle of a financial year. All these considerations left no alternative to the Speaker but to refuse permission for the continuation Budget being presented. The fact was that the Governor's hurry to obtain Huq's resignation brought about this discomfiture. The Governor himself had apparently his own plan and purpose in adopting the attitude of hurry because after once moving the question of Huq's resignation, he would naturally have been afraid that if he did not take the resignation then and there, Huq might strengthen his position by securing a vote of confidence from the House. It was true that already he had in close succession, definite majorities of about ten and fifteen, on two occasions ; but a positive vote of confidence, be it, by a small majority, would so buttress up his position that the Governor might not easily be able to dislodge him from the Premiership as indeed he had been wanting to do ever since Huq formed his second ministry in December 1941. This lengthy account is given to show how arbitrarily Governors conducted affairs in the so-called minister provinces.

The question of the budget was but one of the two big events that arrested attention from the floor of the Bengal Legislature. The second big event was the revelations made by Fuzl-ul-Huq in regard to the meddlesome and overbearing conduct of the Governor of the province who had ignored the Law and the Constitution and played the role of the autocrat with the aid and abetment of his Secretariat. So early as on August 2nd, 1942, Mr. Huq drew the attention of the Governor in language at once firm and dignified, and with facts challenging and unassailable, to his despotic rule.

The correspondence which Huq read on the floor of the House was of an amazing character. That the Governor of the province who was only the head of the Government in name, should have overruled his ministers and asked a Secretary to spend 20 lakhs of rupees in buying rice, that he should have prevented boats plying from the mainland to the islands round about so that ryots might cultivate lands over there in accordance with traditional methods, that he should have demanded an explanation from the Premier for offering on the floor of the House, an enquiry into the alleged atrocities of Midnapore and that he should have grown indignant over the Premier's offer to investigate the happenings in Dacca, above all that he should have sought to prevent the Premier from visting Feni near Chittagong, which was the scene of alleged outrages on women by the military, all these recalled the days of Charles II and George III for which the least that the Governor had to get in return was an immediate removal from office and recall to England. Nor did the Governor choose to tender his explanation in respect of all the allegations made against him by no less a personage than the Premier of his province. To call such provinces as being under Ministers was indeed a mockery of mockeries. To state further as Mr. Amery did, that Mr. Huq's resignation was but an incident in the working of representative institutions, was a prevarication if not worse. The worst of it all was the passing of orders by the Secretariat off their own bat or with the approval of the Governors over the head of the ministers. In all these matters none of which fell within the domain of the Governor acting in his discretion, the Governor's conduct was arbitrary and his rule was personal and absolute. Even if any matter was in his "discretion" he could not forget what the Joint Parliamentary Committee (J.P.C.) had recommended namely that " the Governor could in any event, and would doubtless consult his ministers before his own decision was made." Even if it was argued that any matter fell within the range of Governor's special responsibilities, the declaration of such a responsibility as the J.P.C. pointed, out would in no sense defend " a sphere from which the action of ministers is excluded". It was up to the Governor to signify his dissent from and even to act in opposition to, the ministerial advice only after receiving which he could so dissent or act. Nowhere in the Act is it contemplated that the Governor should send for and act through Secretaries over the head or behind the back of ministers. It is not suggested that the Governor has no right to see the Secretaries or heads of departments but he could do so only with the knowledge of the ministers. Mr. Huq's allegations when proved constituted ground enough for the Governor's recall.

The ministries in the so-called autonomous provinces during the war were functioning at the will and pleasure of the Governors. In Bengal in particular, the ministry was being consulted at the discretion of the Governor and overridden under the stress of his judgment. While the Huq Ministry was overthrown by a hit below the belt—for it was not a vote of no-confidence that overthrew it—and criticized for its many acts of commission and omission, the Nazimuddin Ministry was tamely suffered to continue despite its failure to cope with those very problems—the failure to solve which had proved the doom of the Huq Ministry. What the Governors demanded was implicit obedience from the ministry, a docile acquiescence in their personal and despotic rule—ministry or no ministry. So long as this was forthcoming, a ministry was safe with the Governor, so long as the Governor was with the ministry, so long the majorities were with it as well. Fazlul Huq's ministry was docile for a time—for an unconscionably long time and got on, but when the limits of toleration were reached and exceeded, it broke down. And Sir Nazimuddin's Ministry came in. Despite the fact that only 130 prisoners

were released after nearly three months of office, that the food situation remained much the same as in Mr. Huq's time and there was embargo on meetings to discuss the food problem, Sir Nazimuddin had his handsome majority of 48 which was the equivalent really of the Governor's support. How could Congress Ministries have functioned under such conditions ?

To be hoist with one's own petard is not merely an engineering complication but a political actuality as well. In Bengal, when the Fazlul Huq Ministry was virtually dismissed the position of affairs was in no way prejudicial to his party—majority in the Legislative Assembly. It was true that his majorities dwindled down to 15 and 20 from figures about twice as large on previous occasions but he had a majority all the same. The late Sir John Herbert, the then Governor, thought fit to relieve him and his party of their power and installed Sir Nazimuddin on the throne. The new Premier passed through a like experience in February-March of 1944. On the 15th of February ('44) the ministry came out of the ordeal relating to a contentious bill, barely with its skin and bones, having a majority of fifteen. Again on the 1st March, there was a tie between the ministerial section and the opposition on an important financial motion by the Finance Minister to regularize excess expenditure incurred over and above that sanctioned in 1941-42 and the ministerial *izzat* was saved by the Speaker's casting vote. Reports were afloat that Mr. Casey, the new Governor, had an inclination to form an All-Party Government. If Sir John Herbert had himself formed an All-Party Government in view of Bengal's particular conditions a part from India's general proximity to war, no one would perhaps have blamed him. If Mr. Casey attempted the formation of a coalition in March 1944, it was less on account of the narrow majority or no majority for the Nazimuddin Ministry and more on account of the war conditions.

The course of events in Bengal took a sudden turn in June 1944. Mr. Casey, the Governor, was an eye witness to the scenes of disorder that made the Legislative Chamber not only a babel of tongues but a fish market. Two things must have been clear to the Governor's mind. First, that the feeling against the Educational Bill was markedly antagonistic and that it was not a Hindu antagonism merely, but that it represented a mixed opposition. The vote of censure against B. P, Pain, the Minister was defeated by 119 votes against 106. When analysed the figures showed 19 Europeans out of the 119 and therefore it meant that excluding the European eleemnt, there were 100 members in support of the ministry and 106 against. That was not all. On a further analysis the 119 members consisted of 19 Europeans, 3 Anglo-Indians, 4 Caste Hindus including three Hindu Ministers themselves, 80 Muslims, 13 Harijans. The Legislative Assembly had altogether 123 Muslims including the Speaker and if the 80 Muslims who voted for the Ministry are deducted, the remainder represented 42 Muslims still on the Opposition. That is 42 out of the 106 that voted for the censure motion or 40 per cent roughly were Muslims. These figures were telling and there were so many more motions of censure against ministers. In politics nothing succeeds like success and a vote of 106 *vs.* 119 or omitting Europeans 106 *vs.* 100 showed a situation pregnant with peril. So the Governor quietly exercised his power of proroguing the Assembly. What was his object in doing so ? That is a natural and permissible enquiry to make. Mr. Casey's uncalled for statement that the ministry had a clear majority shows that His Excellency was a strong supporter of the Ministry and it was evident too that the ministry was in the same predicament now as, if not in a worse predicament than the Huq Ministry during the time of Mr. Casey's predecessor—Sir John Herbert. For the same European support, the same dwindling majorities.

the same tottering position characterized both. Yet while the late Sir John Herbert had thought it fair to "dismiss" Mr. Huq, Mr. Casey regarded it as just to acclaim his support of the Nazimuddin Ministry. He should have known that before the prorogation came into effect, there was a censure motion that very day in relation to another minister and a statement like the one made by Mr. Casey in his message to the Speaker, proroguing the session,—altogether uncalled for and only literally correct, would considerably weigh the chances against the motions. If he wanted to save further risks to the ministry or further 'fatigue' to the ministers he could have merely said so instead of loading the message with pronouncement on "clear majorities." But one might be doing injustice unwillingly to Mr. Casey. Whether he felt the Educational Bill unfair and required revision and whether he wanted to seek some reparations in the matter, and at the same time save the face of the ministry was not clear and remained to be seen in the course of further developments.

"The Bengal Premier's (Sir Nazimuddin is quoted by the *Tribune* of Lahore in the leading article on 9-1-45) admission is significant. He openly confessed at a meeting that 'he was keeping himself in power by means which were not fair and had therefore to pay a heavy price for the support of the Europeans without which the present ministry could not exist for a day.'"

The situation created in Bengal by the European group becoming the makeweight on all important proceedings, creates fresh interest as it were, in the study of the progressive interest and of the progressive strength of the European element in the Indian Legislatures, from the beginning of the 20th century. Till the Minto-Morley Reforms of 1909, the Europeans had but one seat in the Central (or Imperial) Legislative Council. But under this Reforms Act, it had two seats one for the European Chamber of Commerce, Bombay and another for Bengal; while in the Provincial Councils, special interests such as those of Tea Planters in Assam and Madras were represented by Europeans. This continued up to the Reforms Act of 1919—the Montagu-Chelmsford Reforms. Under this Act, the European group which by this time developed into a minority group got 12 seats in the Central Assembly and 46 seats in the Provincial Legislature, 3 elected in the Upper (Central House) and 8 elected in the Central Lower House and here, in addition one nominated representative of the European Chamber of Commerce. When the Muddiman Committee was appointed, the European community demanded additional representatives to themselves as a business body in the Central (Lower Legislature). Neither the Muddiman Committee nor the Lothian Committee on Franchise made any recommendations in this behalf. And the further progress is shown by the following table.*

**Representation of the European Element**

| | *Central Legislature* | | *Provincial Legislature* | | | |
|---|---|---|---|---|---|---|
| Period | Upper House | Lower House | Upper House | Lower House | Total | Remarks |
| Montagu-Chelmsford Act 1919 | 3 | 9 | nil | 46 | 58 | |
| Simon Commission 1929 | 3 | 12 to 14 | 0 | 66 | 81 to 83 | only recommends |
| Sankar Nair Committee 1930 | 5 | 20 | 0 | 61 | 86 | recommends |
| Government of India Act 1935 | 7 | 14 to 15 | 9 | 66 | 96 to 97 | |

* Vide non-official Europeans in Indian Legislation by H. W. Mukherjee, M.A., Ph.D. M.L.A., in the Modern Review, January 1944.

Thus out of 878 seats occupied by non-officials, a majority of which are elected, the European Community which form ·06 per cent. of the total population of India got 58 seats working out a percentage of 6·5. In this arrangement, the Bengal Legislative Assembly has got 30 seats who always determines the winning side by operating as a makeweight.

### The Sind Tangle

Sind politics became wholly liquid ever since the outbreak of the war. The Ministry in this small province changed more often than in any other province, Bunde Ali Khan, Hidayatulla, Allah Bux, Hidayatulla's second ministry and his third,—oh, what a succession of changes during a short period calling to mind the conditions in pre-war France, rather than pre-war Britain. The ghost of Allah Bux who was foully murdered on the 15th May 1943, was obviously hovering over the Sind Secretariat. Almost simultaneously, the Revenue Minister—Gazdar had resigned. The success of Khan Bahadur Maula Bux, a brother of the murdered Premier, in the second of two successive interim elections was followed by his inclusion in Sir Gulam Hussain Hidayatulla's Ministry—as a measure designed to combat Mr. Syed's (President of the Sind Provincial Muslim League) opposition to the Premier. While Mr. Jinnah severely reprimanded Mr. Syed for his opposition to the Premier of his own party which led to his defeat on the floor of the House—a defeat despite which the Premier did not choose to resign,—he was equally exacting towards the Premier who, contrary to the League policy of not allowing a coalition ministry with non-Leaguer Muslims, had taken Maula Bux who was not only a non-Leaguer but anti-Leaguer and refused to join the League. Mr. Jinnah's virtual demand for the removal of Maula Bux bore fruit and the premier resigned and reformed his cabinet without Maula Bux and with a nominee of Mr. Syed. In effect, he went back on his letter to Maula Bux declaring that he would not ask him to join the League or resign the ministership and made it up with his whilom opponent Mr. Syed. Such were the trends of democratic politics in Sind. An unexpected sequel to the ministerial imbroglio was the sudden release on the 18th March—close after Khan Saheb Abdul Gaffar Khan's release in the North-West Frontier Province, of seven leading Congressmen of Sind and the announcement that the Provincial Government recommended to the Central Government, the release of Shree Jayaramdas Daulatram, ex-member of the Working Committee. There was something noteworthy in this announcement for within less than a month previously the very Home Member (Minister) whose signature to these releases (and recommendations) got them their freedom, had said on the floor of the Sind Legislature in answer to an enquiry about release of Congressmen, that they were responsible for sabotage and even for the Hur disorders!

### N. W. Frontier Ministry :

The next Ministry to be formed under the auspices of the League was that of the Frontier Province. It was under the auspices of the League that its formation was frankly undertaken not that it had a majority, nor it had not, but that it was a sudden, perhaps, precipitate step taken by the Provincial League and the presenting of a *fait accompli* to the central committee. Dr. Khan Saheb who in spite of his ardent and indefatigable propaganda in his province remained unarrested, challenged Sardar Aurangzeb Khan, (the League Premier) to measure strength in the Assembly with the 8 Congress members released. He declared that of the total strength of forty-two

twenty-three were on the Congress side including the eight in prison. But this sort of challenge was obviously fruitless because the British Government and the League were prepared to run the state so long as the eight in prison remained behind the bars. Indeed the poor strategy of the opponents of the Congress was that they embarked upon this adventure only after their opponents had been locked up.

To form a ministry in the Frontier Province, the collaboration of three parties became necessary—the Muslim League, the Hindu Maha Sabha and the Sikhs. The first was the predominant party, the second under the leadership of Rai Bahdur Meherchand Khanna—a delegate to the Pacific Conference who had just returned from his tour, stood out against all participation. The third was occupying a doubtful position. Of the three Sikh members, one died, one was a *kattar* Congressman who would not touch the ministry with a pair of tongs and the third was the member who ultimately became a minister with a tale to tell. Before we study the story in detail, we shall advert to some interesting points in this connection. It is worthwhile recalling here an event referred to by Sir Purushottamdas Thakordas as a member in the Indian Unity Group. He recalled a statement to the work done by its representatives at the Round Table Conference. He and his colleagues had said then that they would like to state their bitter experience that communalism did the greatest disservice to India's cause and appealed to all concerned for a sincere effort even at this hour to get these difficulties out of India's way. He quoted Mr. Herbert Edwards' remark published in 1850 that the bloodless conquest of the wild valley of Bannu was accomplished not by shot or shell, but simply by balancing two races and two creeds. For fear of a Sikh army, the Mahomedan tribes, at the instance of Mr. Edwards, had levelled 400 forts to the ground which constituted the strength of their country and at the bidding of the same Mr. Edwards, the Sikhs constructed a fortress for the Crown. Thus was the valley, and for the matter of that, the whole of India, subjugated.

The second point is that commenting on the present Parliamentary developments, Dr. Khan Saheb, Ex-Premier said in a statement to the Press on 15-3-45 :

> "In order to clear the present atmosphere and let the public know the real truth about the present Parliamentary developments in the N.W.F.P. I am forced to make this statement. I am told that the House at present has been taken by the Governor as constituted of 42 members. Now out of these 42, 21 belong to the Congress Party of whom 8 are in jail. Apart from these 21 members, there are other members of the House who have nothing to do with Sardar Aurangzeb Khan's party and who, I am sure, will speak for themselves. But not taking into consideration anybody else except his own party how can Sardar Aurangzeb Khan produce a majority in the present House?"

In the middle of May 1944 an outline was available of the pact reached between the Sikhs and Sardar Aurangzeb Khan, who had undertaken to form a Ministry. It is interesting to note that the preliminary conversations leading to the present move originated in Peshawar, progressed in Delhi and fructified in Amritsar—headquarters of the Akali organisation. Sardar Ajit Singh, a prospective minister, holds one of the three Sikh seats in the Frontier Assembly ; another seat is retained by the Congress Party ; the third is vacant. Thus on paper, there is not much sanction behind Sardar Ajit Singh, but as the deal was negotiated, or at least sanctioned

by Master Tara Singh, the leader, he would have the moral support of the Sikh community at large. The understanding between Sardar Aurangzeb Khan and Sardar Ajit Singh is akin to the Sikandar-Baldev Singh Pact in the Punjab, whereby the Sikhs were assured of certain rights for promoting their communal and cultural well-being. Those points which could not be settled at Peshawar or Amritsar had been left for arbitration by Mr. Jinnah.

On May 13th, His Excellency the Governor of the N. W. F. P. received Sardar Aurangzeb Khan and informed him that "with a view to his being able to revoke the proclamation under Section 93, His Excellency would welcome his (Aurangzeb Khan's) assistance in forming a ministry."

An amusing sequel to the formation of the Frontier Ministry was the mutual taunts and recrimination that followed it. While Sardar Ajit Singh was saying that he would abide by the opinion of the Sikh Panth, his name was sent up on the 13th May (morning) after a consultation the previous night between Gnani Sher Singh and Aurangzeb Khan ; Tara Singh and the Gnani general by sail together. But Master Tara Singh deplored on the 29th the acceptance of ministry by Sardar Ajit Singh and put it down virtually to Sjt. Savarkar's telegram dated 19th May to him (Tara Singh) which says :

> "Wherever a League Ministry is inevitable and Hindu-Sikh interests will be served better by joining it than otherwise, Hindus and Sikhs should join and transform it into a coalition ministry."

R. B. Meherchand Khanna deplored Master Tara Singh's statement of the 29th as being inconsistent with the happening of the 12th. Master Tara Singh repudiated the charge vehemently and denied he had said or done anything to encourage or agree to Sardar Ajit Singh's acceptance of Ministry. One point, however, became clear, namely, that there was a bargain attempted by Ajit Singh with Dr. Khan Saheb that he would not join the Aurangzeb Khan's ministry if the Sikh community was promised place in the Frontier Government when next the Congress should form the ministry. And no answer in the affirmative forthcoming, the gallant Sardar joined hands with the League Ministry apparently on the belief that a bird in the the hand is worth half in bush. Master Tara Singh in the course of a statement to the Press on May 27th, said :

> "Sardar Ajit Singh accepted ministership in the N.W.F.P. on his own responsibility against my advice but I still have faith in his *bona fides*."

The conduct of the Sikh Minister gave umbrage to the younger section of the community. They found something rotten in the Akali-Muslim union which was deeply suspected by them. The younger generation was in revolt and the policy of the Akalis co-operating with the Muslim League against the wishes of Nationalist India was condemned and considered as a "stab in the back of National forces" by the Executive of the All-India Sikh Young Men's Association at its meeting held in its office under the presidentship of Dr. Kirpal Singh in Amristar on 18th May.

The installation of the new Ministry was followed by the holding of new elections for the six vacant seats,—3 Muslim, 2 Hindu and 1 Sikh. Dr. Khan Saheb, the Ex-Premier (Congress) threw out a challenge or shall we say picked up the gauntlet thrown out by the new Premier and the Frontier Provincial Congress Committee decided to contest the seats on behalf of the Congress. Rai Bahadur Meherchand Khanna offered to work in close collaboration with the Congress and accordingly refrain from running candidates on behalf of the Hindu Maha Sabha of which he was the leader in the Province. Amongst

the five Congress candidates chosen were three detenus some of whom were prevented from signing the nomination paper by the jail authorities on the ostensible ground that detenus were not allowed to have communication with people outside except on family affairs. But better sense prevailed in the counsels of the Ministry and the nomination papers were duly passed.

Why of all people, the Akalis showed a change of attitude towards ministry-formation emphasising offices and so effecting a climb down from the higher pedestal of nationalism to the lower planes of communalism, is a mystery that passed all understanding. Had they not a name to conjure with, a reputation to lose? Who could forget the brave deeds associated with their name and achievement, the suffering they had endured at Gurukabagh, the price they had paid in the Nana Khana tragedy, the arduous struggle they had faced before they built up their organization on their broken bones and lacerated flesh? Who could forget the sense of fellowship with the Hindus and the Muslims which the Akalis had all along exhibited in the national struggle from the days of the Khilaphat Movement of 1921, through the dark times of the Simon Boycott, and the bursting upheaval of the Salt Satyagraha (1930-31)? Was not Master Tara Singh a prisoner along with his 30,000 fellow-sufferers in 1930, that year and then a member of the National Flag Committee appointed at the Karachi Congress? When the colours of the Tri Colour Flag were reinterpreted as signifying no longer Hindu (red), Muslim (green), and others (white)—but the ideals of purity (white), prosperity (green) and austerity (saffron), he gave the warmest support to the change,—a change for which the Sikhs had indeed been asking since the Lahore Session in 1929 (may be, then with a communal outlook in common with Hindus and Muslims. Had not the Sikhs maintained all along that they opposed communal representation but, that if the Muslims had it—they too should have it,—and in this view had they not opposed Ramsay MacDonald's communal decision—wrongly known as the Communal Award tooth and nail, with no dubiety such as was imputed (though wrongly) to the phraseology of the Congress which neither supported nor opposed the "award"? Had a decade of persistence by the British converted—as was indeed hoped for by them,—even the Akalis to the cult of communalism that they should now count their gains on a communal basis? How would even four high placed jobs advance the interests of the Sikh Community as nationalism pure and undefiled would, or as *mukammil azadi* could? The Akalis had all along plumped for full freedom and in that view and with that object, joined the Congress in their thousands, controlled the Punjab Provincial Congress Committee, fought the elections shoulder to shoulder with Congress candidates in the General Elections of 1937, on the basis of "Congress with Akali Ticket" for their reserved seats. Then came a change in 1941, due as Master Tara Singh stated, to his personal differences with the President of the A.I.C.C. which led to his severance of his connection individually with the Congress, after he had suffered imprisonment in 1930 and externment from Lahore in 1937. After all these achievements in which the Akalis showed courage, sacrifice and imagination, that the Panth should have lent support to Sardar Ajit Singh's ministership under Gyani Kartarsingh's leadership which Master Tara Singh swears he discountenanced from the outset, was a real tragedy.

It will be remembered that in the North West Frontier Province after the advent of the Aurangzeb Khan Ministry a number of bye-elections to the Legislature were held and of them one was in respect to the vacancy created by the death of a Sikh member of the Assembly. For inscrutable reasons this bye-election was not held all with those of the Hindu and Muslim seats.

Though publicly no reasons were stated, yet truth could be guessed readily enough for that very reason. It turned out that, at last, the election was held on the 25th February, 1944, with the son of the deceased member as the ministerial candidate and like Major Shaukat Hyat Khan of the Punjab, son of the late Sir Sikander, the young Sikh had to be brought on the Register anew. There was much canvassing to see whether affairs could be smoothened by a candidate being fixed up who might be agreeable to the Sikh and the Congress circles but no agreement was reached and to make a long story short, the Congress Sikh candidate defeated his rival the ministerial (Ajit Singh's) candidate by 81 votes. The event was far reaching in its consequences. There was a demand that Sardar Ajit Singh, the Sikh minister of the Aurangzeb Khan Ministry should resign and he replied by saying that he would do so if it was made clear to him that he lost the confidence of his community. While this was so, the news was suddenly flashed that Master Tara Singh who had taken a leading part in the Sikh *vs.* Congress controversy on the side of the former, resigned his Presidentship of the Gurudwar Committee and the Akali Siromani Dal in answer to the demand that he had been too long in office, to which were added reasons of health.

The no-confidence motion against the Aurangzeb Khan Ministry was carried in the Frontier Assembly on March 12, 1945, by 24 votes to 18.

The month of March witnessed a notable change in Congress policy in India for the first time. The defeat of Premier Aurangazeb Khan's ministry led to the only result constitutionally speaking which could follow such defeats. The Governor had to send for Dr. Khan Saheb, the former Congress Premier of the Province, whose motion of no-confidence led to the fall of the minority ministry of Aurangzeb Khan. Dr. Khan Saheb was fully prepared for the situation he himself had created. An embassy had visited Sevagram earlier and returned to Khan Saheb with a letter from Gandhi, the contents of which could easily be guessed. Gandhi had just begun to formulate a new policy—in leaving things to local initiative. And as Dr. Khan Saheb revealed in an interview after he had taken office on the 16th March, he acted on the desire of the people of his province who said "serve the people and that is your only duty". That was reported to be the policy formulated by Gandhi for the Frontier Province and that explained the action of the Congress Party which otherwise seemed to be a departure from the all-India policy of the Congress pursued since October, 1939 soon after the outbreak of the war when the ministries in 8 provinces tendered their resignations. The first act of the new ministry was the release of Khan Abdul Gaffar Khan who was arrested on 26-10-'42 and 8 other notable Congressmen and 22 other detenus including 4 M.L.A.s. one of whom Ataulla Saheb walked straight from the jail to the Secretariat to be sworn in as the Education Minister.

There was something remarkable in Aurangzeb Khan's statement that it did not matter whether it was the League Ministry or the Congress Ministry so long as it was a popular ministry as against Section 93. In adjudging the value of this statement, one may usefully remember Mr. Jinnah's call, on the resignation of Congress Ministries, for the celebration of the Day of Deliverance on November 22, 1939. Here comes then in contrast to Mr. Jinnah's cry for deliverance, the endorsement of a *kattar* Leaguer of a Congress Ministry once again !

The advent of Congress to power in the N. W. F. Province gave birth to variegated reactions in the general public. One question that sprang up readily and naturally in the public mind was whether the "good" example of N. W. F. Province would be followed in other Congress provinces, a ques-

tion which receives strength from the ultimatum given by Gopinath Bardoloi, Ex-Premier and Rohini Kanta to Sir Md. Saadulla, the Premier of Assam which was readily accepted by the latter. Things began to shape themselves aright on the eve of the release of the members of the Congress Working Committee on 15-6-'45.

### The Punjab Ministry

The sudden and deeply lamented demise of Sir Sikandar had created a new situation in the Punjab. He had been steering clear of the Muslim League and the Hindu Maha Sabha; and by his personal popularity and by the tactful concessions in his views, he was maintaining an even kiel. At the same time he advocated a scheme of division of India into zones. His death created a void into which Col. Khizar Hyat Khan stepped in. Then there occurred a tug of war between the League forces and the forces of the Unionist Party. On the one hand Mr. Jinnah was repremanding the Punjab Ministry publicly that they were not true to the League. He could not allow the Chief Minister who was a Leaguer to form his ministry unless he undertook to maintain League traditions and League atmosphere and gave three months for trial so that the ministry might make up. On the other, the Hindu elements of the ministry deeply resented the foisting of this new idea of loyalty to the League on the old understanding between them and their late leader Sir Sikandar Hyat Khan.

As the process of ministry-formation and reformations was going on in one province after another, affairs in the Punjab met with a small convulsion which was important not *per se* but as throwing light on the general solution. When Mr. Jinnah made his triumphal entry into Lahore and other places in the Punjab, he took care to see that the Punjab Ministry would prove to be a real League Ministry. Col. Khizar Hyat Khan was given three months' time to effect the necessary change of tone and temper. Sir Chhotu Ram, however, revolted against the idea of calling the Punjab Ministry a League Ministry and threatened to withdraw his support which was a big factor indeed if the coalition ministry of Sir Sikandar's creation turned into a League Ministry. Col. Khizar found himself between the devil and the deep sea. In the meantime Major Shaukat Hyat Khan, Minister of P. W. D. and son of Sir Sikandar, made a speech in which he avowed his undivided *Itha 'at* (allegiance) to the Quaid-e-Azam and also expressed his unwavering adherence to the terms of Sikandar-Jinnah Pact which provided for a Unionist Coalition Ministry and said that this pact formed the main background of his recent speeches, which, he pointed out, had been misinterpreted.

This statement of the Major had its immediate reaction in that a Khan Bahadur member of the League Executive called upon the Punjab Ministry to declare its undivided allegiance to the League. (26-7-'43).

Let us summarize this somewhat confusing series of events. Jinnah gives an ultimatum of three months to the new Punjab Ministry to behave. Col. Khizar Hyat Khan promises to rectify matters shortly. Presently, however, Major Shaukat Hyat Khan, the eldest son of Sir Sikandar, Minister for P. W. D. finds himself lost between the hovering spirit of his father watching his new activities as a ministering angel and the ghost of Jinnah appearing before him by day in his thoughts and by night in his dream. He makes almost his first public speech deprecating communalism. He is at once pulled up and he says next that he will do anything to carry out Mr. Jinnah's wishes. This pacified Jinnah but irritated Sir Chhotu Ram. Then the young Major is again pulled up and he makes a third speech to the effect that what-

ever he has said, he took it, would be interpreted by people as being subject to the basal limitation imposed by the Jinnah-Sikandar Pact. This states Jinnah and he comes out with the following statement :

> " There is not the slightest doubt that immediately after the Sikandar-Jinnah Pact the Unionist Party in the Punjab was no more. Under that Pact, a Muslim League Party was to be established in the Punjab Assembly and that party was subjected to the control and supervision of the All-India Muslim League and the Provincial Muslim League. Malik Khizar Hyat Khan has formed a Muslim League Party."

As Jinnah was thus claiming for the League, the ministries in India minus that in Orissa, on July 29, the Muslim League and Ministries was the subject of a question in the House of Commons when Mr. Dobbie (Labour) asked which of the Provincial Governments represented a coalition of parties or groups ; how many were formed exclusively by Muslim League members or under its leadership ; what proportion of these Ministers were recent adherents of the Muslim League or other political groups whom they claimed to represent and how many had met the Assembly concerned and sought or received any expression of confidence.

Mr. Amery's reply was :

> " All the Ministries in the six provinces wherein normal constitution is functioning are based on coalitions of parties and interests. Five of them are headed by Ministers who belong to the Muslim League. Except in Sind, where two Ministers joined the League last autumn. I am not aware that any of the Muslim Ministers have only recently joined the League. I have no information that a vote of confidence has been withheld from any of these Ministries. The recently formed Ministry in the North-West Frontier Province has yet to meet the Legislature."—*Reuter.*

This statement gave a handle to Mr. Savarkar who found in Mr. Amery a saviour that protected him from the charges that he was by his policy as the President of the Hindu Maha Sabha, assisting the League Ministries. The declaration that neither he nor the League was a party to what is known as the Jinnah-Sikandar Pact and that the Unionist Party was dead, was made by Jinnah at a three-hour conference held by him on March 20, with Muslim members of the Punjab Assembly, including some members who were sitting on the Opposition Benches.

The Sikandar-Jinnah Pact had a history of its own and like all historical events, had witnessed its own vicissitudes of fortune. The issue raised by Mr. Jinnah was whether the Unionist Party continued to exist after Sir Sikander had signed the Pact. Whatever might be the claim of the Unionist Party or the contention of the League, the fact was irrebuttable that in the very Pact itself, the continued existence of the Unionist Party was fully and expressly recognized and reiterated. But one fact could not be ignored,—that a section of the Unionist Party, namely the Muslim section thereof—owed and rendered dual allegiance—one to the Party and the other to the League. At the same time it must be perceived that the spheres of influence and authority were distinct. Sir Sikander was to pay heed to the behests of the League in all-India matters while in matters provincial he was to keep his own counsel and owed no allegiance to the League. It was a clear demarcation of jurisdictions and authority of the Unionist Party and the League and left no doubt whatever.

Mr. Jinnah's plans to reorganize the Punjab Ministry, at any rate to commit the Khizar Hyat Khan Ministry to the strict Muslim League cult, virtually failed despite the spectacular appearance of the Premier on the Muslim League platform in support of Pakistan for the first time. It was obvious that the strength of Muslim opinion in the Punjab Legislature stood four square against the dissolution of the Unionist Party and having any truck with Sir Chhotu Ram and others of his persuation—and this, despite the minimum demanded by Mr. Jinnah that the name or denomination of the ministry be changed from Unionist to Muslim League. Sir Sikander had already laid down the principles of co-operation with Mr. Jinnah. Like a reed before a mighty flood, all that one has to do is to bend before the wave and rise after its recession. In fact, the flood never ventured to enter the Punjab during Sir Sikander's time and that it chose to enter now a year after his death, did not alter the stratgey of the reed and did not create any new results.

True to his threat Mr. Jinnah arrived duly in Lahore after the lapse of three months on the 20th April. He was greeted with a manifesto signed by influential Sikh Sardars declining to have any part or lot in a Government that sailed under the colours of the Muslim League though doubtless as a coalition. And shortly before there was a vast conference of Jats—Hindu, Muslim and Sikh who swore once again their loyalty to Sir Chhotu Ram ; and the President, a Khan Bahadur declared that he was a Jat first and a Muslim next. At this composite conference, the title of *Rahbar-i-Azam* was conferred upon Sir Chhotu Ram.

At this point, it may not be a digression to go into the composition of the population of the Punjab and the secret of the origin, rise and success of the Punjab Unionist Party. It may not be widely known that the Jats are to be found amongst the Hindus, Muslims and Sikhs. There are certain areas in the Punjab, U. P. and Delhi where the Jats constitute the predominant section of the people. Indeed, there was a serious proposal in 1928 to constitute a separate province called the Jat Province, composed of the Herina Division of the Punjab, (Ambala Division) and the Province of Delhi and the Meerut Division of the U. P. The Sikhs are largely, very largely, converts from the Jats to the Sikh faith. An equally vast percentage of the Muslims in the aforesaid areas are Jats by race. The Hindu Jats would be 60 million, the Muslim Jats as many and even more while the Sikhs would be about—making an aggregate of over a crore and half of population. In 1928, there was a conference held in Delhi of which the Chairman of the Reception Committee was a retired District and Sessions Judge, Md. Hoosain, and Sir Chhotu Ram was the President. He styled the Province a Jat Province and the conference passed a resolution on the lines indicated by Mr. Asaf Ali who had worked out the scheme and presented it to Mian Sir Fazle Hoosain, who in reply spoke nicely about it but said 'not just now.' Sir Fazle Hoosain was a statesmen of a rare type who is not born every day. He saw the colour of things to come. He knew how powerful was the Jat sentiment which easily outlined the biases of religion and province. He accordingly built up an organization open to Hindus, Muslims and Sikhs and built it up into a political party. Sir Sikandar inherited it and developed it. Col. Khizar Hyat Khan Tiwana, Sir Sikandar's successor found in Sir Chhotu Ram a firm supporter of the Union and a natural leader of the community. The party so built up was in every sense a political party and that is the party erected on foundations well and truly laid, and raised on walls broad-based and high and strong, which the Quaid-e-Azam sought to demolish. For the second time the latter went to Lahore. He had firm faith in his own

capacity to destroy and rebuild and if that could not be done, he wanted the name of the party to be changed as people would change the name of a house purchased or the name of a town conquered. That would doubtless be possible if the tenants too were changed as the master had changed. But if the same parents and the same children should continue to inhabit the area, the sentiment of young and old alike, of women and men equally, would revolt against the change of name. The dispute was seemingly trivial but in reality fundamental. Should the power behind the throne be a religious power or a racial force? Th re would be but one answer to the question and that was the answer the Viceroy gave when he lavished his encomiums on the Punjab Government for its continued and unqualified success, and that too was the answer given by Sir Bertrand Glancy, the Governor of the Punjab when he called on the Punjab to rally round the banner of the Premier and strengthen his hands.

The conquest of one country by another is after all a comparatively trivial matter. The serious and strenuous process is the conquest of the people. The former is a military event, the latter is a psychological process. The one is physical victory, the other is a moral triumph. In this view, Mr. Jinnah's long narration of events shows how he had taken seven years like the Patriarch of old to conquer this Punjab bride. But he only conquered her, he could not win her. It was to win her that he had paid his visit to Lahore in the month end. He cajoled her and coaxed her to cast off the old loyalty to her dead Lord and lawful spouse—Sir Sikandar Hyat Khan. He had been dead over a year and it was time she changed her loyalties, forgot her old affections in which he (Mr. Jinnah) was only her lover not her lord. Now came the time, the opportunity, the necessity for her to shift her affections to the new chief and make him not a chance lover to take her to all-India cinemas and skating, entertainments and parties, *Jashans* and *Japhats*, but to regard him as the Lawful Lord and master, the well-wedded spouse.

Here arose the real difficulty. One fine morning, true, some seventy-two forms had been filled and people were content to call themselves Leaguers. But that was not enough. "Times had changed. Old leaders had passed away. Former shibboleths became out of date. One time denominations were now anachronism. The Unionist Party was dead as a dodo, dead as a door-mat, yea, dead as Queen Anne. The order of the day was that of the League. Be Leaguers in name and reality, in letter and spirit, in pledge and practice." That was Mr. Jinnah's demand and that was not conceded. Unluckily the death of the Premier's father intervened at the psychological moment. Obstinately did Sir Chhotu Ram stand four square against the blowing winds of the Muslim League. Sensibly, the Sikh Ministers claimed no connection with the Unionist Party. Wisely, did the Harijans offer to support the Leaguers. "Why not form a new ministry? If Col. Khizar Hyat Khan's colour came and went between the old and the new, between the Unionist Party and the League, between Sir Chhotu Ram and Mr. Jinnah, between lip service to Pakistan on a public platform and heart service to Hindustan in the Secretariat Chamber, then even he might not be indispensable to the Punjab. There was the worthy son of a worthy father. True, the father had not given his whole-hearted loyalty to him (Mr. Jinnah) but the young Major might be taken while yet the plasticity of youth was receptive to ideas and influences. True, Hindu members might replace the Jats and non-committal ministers, and Savarkar could be depended on for co-operation in all schemes so only a Hindu or two were taken on to the Ministry. And the Harijans find was truly a Treasure trove long lying buried under the debris of society through the folly of the past generation."

With thoughts running on some such lines, Jinnah flung his parthian shot while returning from Lahore to Delhi. But he couched his thoughts, his agitation, his resolve, his successes and failures, his hopes and plans in minatory terms and even in fulminating language. He had coaxed and cajoled the Punjab bride long enough and he would have no more nonsense. He would now coerce her and that meant either that she should be broken in or he must break himself. With such thoughts uppermost in his mind, he gave the ultimatum to the Punjab Ministry and Punjab Legislature that they should make up their mind fast by the time he should be returning to Lahore (on the 20th April).

Mr. Jinnah's second visit to Lahore was haralded with that beat of drums and blare of trumpets which precedes and later accompanies the storming of a citadel. Like Hitler avowing that he wanted to seize Stalingrad and would do it but failed in the end, Mr. Jinnah swore that he would storm and seize the Unionist Party of the Punjab and break it once and for ever but the strategy of Lt. Col. Khizar Hyat Khan Tiwana, the General in charge of the citadel, not given to unnecessary talk but always bent on action, foiled the attempts of the opponent and kept the Fort of Lahore untouched. The fact was that he had *right* on his side and he who has the right has the strength of a giant and can easily fight a legion. The situation in the Punjab could easily be studied in relation to the several issues which are implicit therein.

(1) Was the Unionist Party right in adhering to the ticket on which its members had fought and won in the elections of 1937? The question can be answered only in one way—*i.e.* in the affirmative, if some or even all the Muslim members later joined the Muslim League, they could not throw away the obligations arising from the lawful wedlock. A *mutha* wife can never override the claims of the *nikka* wife and her progeny.

(2) What then are the new obligations incurred by and binding upon these Muslim gentlemen as members of the League obviously the same as existed and operated in the case of the late Sir Sikandar Hyat Khan under the Sikandar-Jinnah Pact?

(3) Was such a pact still in force? Yes, so long as the elections of 1937 did not give place to fresh elections under a fresh manifesto. Then it would be time, if ever, to get over the Unionist Party.

(4) How did Captain Shaukat Hyat seek and obtain his election to the Punjab Legislative Assembly? Virtually on a joint ticket of the Unionist Party and the League or " on the Muslim League ticket under the Sikandar-Jinnah pact," as the League had already enlisted the Muslim members of the Unionist Party as members of its own. Col. Khizar Hyat Khan disclosed the truth of joint auspices and also that Mr. Jinnah issued no statement lending his support to Major Shaukat under such circumstances.

(5) Was the Lt.-Col. honouring his pledges to his colleagues in refusing to change his party's name into the Muslim League Coalition Party? Yes, there were pledges, which he was in honour bound to respect unless he chose, to resign, break himself and his Muslim colleagues loose from the Unionist Party and realign their position under the canopy of the Muslim League. This is what Mr. Jinnah should have demanded. Somehow he fought shy of it perhaps because it involved commitments which he (the Colonel) was not prepared for—the same that the three non-Muslim Ministers had asked for and which he evaded, namely, (*i*) the formation of a Muslim League Coalition Ministry as a part of an all-India understanding, (*ii*) the abandoning idea of Pakistan for the period of the war, the geographical boundaries, the principles they are based upon and its political and constitutional implica-

tions being fully explained and (*iii*) the League will give unconditional support to all war effort.

And these points were not satisfactorily answered as the first point was considered irrelevant and likewise the second, and the third was made clear in the policy of the League as consisting in non-embarrassment while the coalition groups were free each to pursue its own creed. The three ministers concluded that these comments were not indicative of any desire to come to terms. As for Shaukat's loyalty to the Sikandar-Jinnah Pact, his own words bear testimony to his loyalty to his parental agreement as can be seen from the following statement issued by him on 20-7-1943.

The dismissal of Major Shaukat was a sensational event in the history of the Punjab Ministry.

To clear his position he issued the following statement on July 20, 1943 : " My attention has been drawn to the comments which appeared in a certain section of the Press with reference to certain passages contained in the speeches delivered by me in the course of my recent tour. These comments are erroneous and based on a misunderstanding of my position. I would remind my critics and commentators that on each occasion, my observations were strictly subject to the Jinnah-Sikandar Pact and to the statement made by the Hon. Khizar Hyat Khan Tiwana at Delhi on March 7 on the occasion of the meeting of the Muslim League Council. My regret is that I did not explicitly refer to the background furnished by the aforesaid Pact and the statement against which I was speaking. I took it for granted that the Punjabi audience, whom I was addressing would interpret my speeches in the light of this background. That I was wrong in my assumption, is apparent from the fact that the people read into my speeches things which bear no resemblance to my real intentions. I need hardly emphasise that I will faithfully abide by the policy pursued by my late lamented father and continued by his worthy successor."

Coming to more recent events in the Muslim League Party meeting on November 8, 1943, he voted for the inclusion of the terms of the Sikandar-Jinnah Pact in the rules of the party.

The whole affair was shrouded in mystery which Captain Shaukat himself should have, in his interest, thrown light upon.

When all is said and done, the fact remains indelibly impressed on the public mind that Mr. Jinnah was impulsive and impetuous in his speech at Sialkot, at the Punjab Muslim Provincial Conference session, even as he was angry and excited in his telephone talks with the Punjab Premier. Common prudence, let alone good manners or refinement of character, should have made him think twice, thrice, ten times before he said that he would kill and bury the Unionist Party which was a work of Art, wrought and perfected for two decades, and before he stated that if the facts of Capt. Shaukat's case were as stated by him, the Governor of the Punjab should be dismissed. As things stood, it turned out that both these statements—apart from being out of time and out of place, were marked by a certain sense of exaggerated self-importance, a singular lack of judgment and a paucity of that wisdom and foresight which even Muslim politics,—however pugnacious and challenging in character, should seek to avoid. To drive the opponent to the opposite extreme by one's own hastiness and irrepressibility is neither good strategy nor permissible tactics. This was all the more so when Lt. Col. Khizar Hyat Khan himself was to stand in the dock before the Committee of Action on the 12th May, 1944 at Delhi. Challenge and counter-challenge are forces that stimulate each other. And just two days before Khizar's trial was to take place, in the way of disciplinary action, the Press published in flaring

headlines the news asking whether Captain Shaukat was going to be prosecuted for "irregularities and injustices." One could not but deplore the turn that events had taken and above all the more into which the name and reputation of young scion of a noble family was being dragged, leaving alone the abrupt termination of a career in the Civil as well as the Military.

Sialkot virtually proved the Stalingrad of Jinnah, if one place could be localized as against another. It was at the Sialkot Conference that Mr. Jinnah " roared like a lion. He called for the dismissal of the Punjab Governor and wanted the head of the Premier on a charger." He promised too to kill and bury the Unionist Party. But perhaps he had a vivid sense of realities. How else should he have asked the Sikhs to state their terms? He assured the Sikh members of the Assembly and their Sikh Minister that their supporting the Muslim League Coalition Ministry would not imply their support of Pakistan. And turning to the British, he asked in all innocence when he ever had said "that he was opposed to war effort? He resented the " insidious tactics " in the air " to poison the mind of the public in England, America, India and elsewhere with the insinuation that the Muslim League is opposed to war efforts and the successful prosecution of the war."

The public, however, had a fairly long memory of the happenings during the previous three years. The Sialkot Conference met at the end of April 1944. If one studied the resolutions, statements and interviews for which Mr. Jinnah was responsible, since the Lahore session of the League in 1940, one would be confronted with a series of opinions, views and attitudes which did not represent one consistent course of development of ideas. The Working Committee of the League had passed an important resolution on the 15th and 16th of June, 1940. And a few weeks later, Mr. Jinnah told the Viceroy on September 26, 1940 that he was unable to help the Viceroy since 'the League's point had not been met.' All these, we take it, were serious and meant to be taken so. Coming to later events, it cannot be that either Mr. Jinnah or the British Government could have forgotten how Mr. Jinnah himself had forced Sir Sikandar Hyat Khan to resign his membership of the National Defence Council set up by the Viceroy. No one could have forgotten that the immediate cause of the break with Mr. Fazl-ul-Huq, the then Premier of Bengal was his refusal to act up to Mr. Jinnah's orders and resign from the Defence Council. More than these two events, did not the League itself place a ban on Muslim League, including ministers, joining the Provincial War Committees? And what about the correspondence between Mr. Jinnah and Lord Linlithgow in which the former frankly and boldly told the latter that the League could not possibly co-operate with the war effort till Government had fully complied with the League demand of Pakistan. No one can pretend that despite these prohibitions, inhibitions and injunctions, the League leaders co-operated with war effort. No speaker of position and reputation ever made a speech supporting war effort. If they did so, they were acting against their own resolutions and resolves. If they did not do so, it could not now be asked as if in utter innocence when the League or Mr. Jinnah was ever opposed to war effort?

## Orissa

Orissa was originally a Congress-majority Province. When some of the Congress members of the Assembly were in jail, a minority ministry was formed with the Maharaja of Parlakimidi as Premier. It was a short-lived ministry but during the time of the Minority Ministry a strange incident happened in 1943 which is of more than passing interest. In a bye-election to the Legislative Assembly in March 1942, a Congress candidate contested

the seat and in accordance with the well-known principle of democracy which holds that the results of bye-elections indicate which way public opinion swings, the Congress candidate had the full support of his Party and won by 946 votes against 207. There was an election petition and a tribunal was appointed by the Governor composed of a District Judge and two practising lawyers. In the course of their hearing, they served a notice on the Ex-Chief Minister (Congress) Orissa, Mr. B. Viswanath Das in jail to show cause why action should not be taken against him for incurring expenses in excess of the amount fixed by rules. No facilities were given to Mr. Das despite repeated requests beyond access to a lawyer five days before the day of hearing and that for 1 hour. He was not allowed to be present before the Tribunal. The result was that the Governor passed orders rusticating him for six years and declaring his seat in the Assembly vacant.

The points to be noted are that Mr. Das was not a party to the election petition, that he was not " the election agent " of the candidate. Yet he was held to be virtually one such and penalised. Mr. Das filed a petition before the Viceroy to have the matter referred to the Federal Court under Section 213 in respect of (1) the rules passed by the Governor without consulting the Ministry then in office although the Governor could only act in his judgment and therefore had to consult the ministry. Again (2) two of the election commissioners were ineligible to be High Court Judges and therefore the Tribunal was not properly constituted. There were other irregularities too. Section 213 runs as follows :—

> (1) If at any time it appears to the Governor-General that a question of Law has arisen or likely to arise which is of such a nature and of such public importance that it is expedient to obtain the opinion of the Federal Court upon it, he may in his discretion refer the question to that Court for report and the Court may, after such hearing as they think fit, report to the Governor-General thereon.
>
> (2) No report shall be made under this section save in accordance with an opinion delivered in open Court with the concurrence of a majority of the Judges present at the hearing of the case, but nothing in this section shall be deemed to prevent a Judge who does not concur from delivering a dissenting opinion.

There were reports circulated early in 1944 that several members of the Orissa Legislative Assembly, some from behind the prison bars, agreed to co-operate on the Food issue and support the existing ministry. The number was even fixed at seven but it later turned out to be a mere hoax.

## Assam

Finally we come to Assam. Assam was not one of these provinces which originally had a Congress majority of seats in 1937. But when Sir Saadulla's Ministry fell under a vote of no-confidence, the Bardoloi Ministry stepped in, in which Premier Bardoloi and another were the only Congressmen (of course a number of ministers agreed to join the Congress). When he resigned along with the Congress Ministries in October-November 1939, the Saadulla Ministry came back to power and established itself on coming to power.

The Assam Ministry suffered a defeat on March 12, 1945 in the Legislative Assembly and had to resign.

The ministerialist party in the Assam Legislative Assembly accepted the Congress Party's terms for the formation of a Coalition Ministry which would enjoy the confidence and support of all parties and authorised its leader,

Sir Muhammad Saadulla, to negotiate further with the leaders of opposition parties on some minor details. The terms included the release of political prisoners, the withdrawal of the ban on public meetings and processions and a revision of the Government's procurement and supply policy. Earlier, Mr. Gopinath Bardoloi, ex-Premier, had made it clear to Sir Muhammad Saadulla that if the terms were accepted, the Congress Party would give its moral support to the Ministry, although it would not accept office. Later the pact broke down and at the time of the Simla Conference (June 1945) it was hoped that a Congress Coalition Ministry would be formed.

It was obvious that in the years 1943 and 1944, the measures to solve the deadlock that were finding favour with Government were directed towards the formation of ministries in all the provinces. Once that was done, it would be said there was no more deadlock. There were, therefore, attempts made. In C.P., they broke on the question of the impossibility of forming a coalition that involved the coming together of the League Party with Non-Party Muslims. Nor would the League agree to a Coalition in which the Congress and the Hindu Maha Sabha were not represented. No serious attempt was made in C.P., Behar, U. P. and Madras to reconstitute the Ministries, and the feeble efforts made by some notable personalities and parties, fell through altogether. Sir Viziya who had been Minister of Justice in the Interim Ministry (March to June 1937) deprecated the idea of forming a ministry and characterized it as "dishonest to attempt to form a ministry when the leaders were behind the prison bars." It was a different thing altogether, he pointed out, to form a ministry before the Congress agreed to the idea in July, 1937. The Governor of Bombay said at an annual meeting of the Bombay Chamber of Commerce :—

> "I shall welcome the day when constitutional and representative Government is restored as a sign of progress and goodwill."

There was a move for restoring Congress Ministry and the Madras Harijan M.L.A.s met for the purpose on December 27, 1944. A decision to wait in deputation on Mr. Gandhi and seek his help to bring back the Congress Ministry into power in Madras was taken at a conference of Congress Harijan M.L.A.s of the province. Harijan members of the Madras Assembly were present.

The Conference requested Mr. Gandhi to take into consideration the "woefull state of affairs with particular reference to Harijan interests" and to permit them to form a coalition Ministry with the help of non-Harijan Congress M.L.A.s The conference also resolved to abide by Mr. Gandhi's advice in the matter.

Resolutions were passed expressing complete faith in Mr. Gandhi's leadership and praying for the speedy restoration of his health.

The conference demanded the immediate release of political prisoners, particularly members of the Congress Working Committee, so as to facilitate a solution of the political deadlock.

The views expressed at the conference were unanimous in affirming loyalty to the Congress and to Mr. Gandhi, but were somewhat divided on the question of the desirability of the formation of a Ministry—Coalition or Congress—at the present juncture. It was, however, admitted on all hands that the interests of the Harijans could be safeguarded effectively only with the active support of the Congress and any move for the formation of a Coalition Ministry must, therefore, have the blessings of the Congress non-Harijan Assembly members.

The sponsors of the move underlined the freedom of opinion and vote given to the Congress Harijan M.L.A.'s in matters affecting the Harijan interests by the Congress Party and drew pointed attention to Mr. Gandhi's reply to a letter by Mr. J. Sivashamugham, Ex-Mayor of Madras, urging the need for the functioning of a popular Government in the province. The letter stated that ever since the Congress Ministry had resigned, the work of ameliorating the Depressed Classes in Madras, such as temple-entry reform and prohibition, had been neglected.

Mr. Gandhi, in his reply, had expressed his opinion that they should do what they thought would best serve the Depressed Classes. The speaker instanced various ways by which a popular Ministry at the present time could further the interests of Harijans. The resolution to wait in deputation on Mr. Gandhi was passed unanimously. The sponsors, however, assured the members that the resolution was non-commital and that they would abide by the advice given by Mr. Gandhi.—*Associated Press.*

### Bihar

Bihar fared no better in the matter of improvising a ministry. Mr. C. P. N. Singh, Leader of the Opposition in the Bihar Assembly, in a press statement on June 5, referred to the question:

"As Leader of the Opposition in Bihar Assembly," says Mr. Singh, "I should have been the first to take the public into confidence and inform them of what the developments were, but as I do not believe in hustling things unnecessarily or letting public mind get agitated without justification, I did not rush to the press.

I am constrained to state on the best authority available that the assertion made in certain quarters that the Governor has asked Mr. Yunus to form a Ministry, is without foundation."

"As far as I am aware," says Mr. Singh, "Mr. Yunus in last interview with the Governor at Ranchi, on or about May 25, made representations to him that a stable Ministry could now be formed through a coalition of certain elements in the House and the Governor then referred the matter to me."

He further said, "I might state un-equivocally that there is no ground for members of Legislature and the public to presume that the constitutional procedure of giving the first option for forming a Ministry, to the Leader of the Opposition has been given a go-by, and I will assure members of Legislature and the public that as soon as the position appears to me to be as satisfactory as present conditions warrant, I will do my best to end the present stalemate and try for participation of non-officials in the administration of the province." —(A. P. & U. P.).

### Ministry Making

The hunt for Ministries by the political parties in the country who had a free field open to their exploits in the absence of the Congress leaders behind prison bars and of Congress members from the Legislatures, led to a *combative co-operation*, if such an expression could be coined, between the Hindu Maha Sabha and the Muslim League. Although the latter had fared ill in the General Elections of 1937, in which only 321,772 Muslim voters out of 7,319,445 voted for the League, or 4·4 % for seats officially reserved for the Muslim community in the Provinces. The North-West Frontier Province, with a population of 92% Muslims, polled for the League less than 5% of all Muslim votes, nevertheless with the growing patronage of Government, the League succeeded in impressing the Ministries of the boundary provinces with Muslim League views in a measure and forming or reforming

the Ministries therein with either Muslim Leaguers as Premiers or with the Premiers baptized in League waters. This was a sight far too irritating to the Hindu Maha Sabha to be neglected. It had, therefore, to be imitated in the remaining provinces and although the record of achievement of the Hindu Maha Sabha candidates had been in a sense worse than that of the League, yet the plan of capturing 'power' in the Hindu-majority provinces, did not appear to them chimerical altogether as it should have appeared inasmuch as the League had the advantage of governmental recognition so early as in 1937 while the Maha Sabha obtained its recognition, certificate and credentials only in August 1940, by a charter, as it were, signed and sealed by the Viceroy on the 8th August in Simla and only ratified by Mr. Amery on the 14th of August in the House of Commons, as Power of Attorney for His Majesty the King of England and Emperor of India and Defender of Faith(s). The Hindu Faith met with approval of Government, equally with the Islamic Faith and received a charter to trade thereafter in the troubled waters of Indian politics and exploit the resources therein each to the detriment of the other, while the British overlords received tribute of loyalty from both and enjoyed the entertainment offered by either who competed with each other to help the British to consolidate their power in this land.

The Hindu Maha Sabha was frankly out for the crumbs that fell from the Master's table while the Muslim League which had incorporated Independence for India in its creed, allowed it to be attenuated into Independence for the Muslim Community with the aid and under the aegis of the British. Both parties began to concentrate on the formation of the ministries and while the League was marshalling its forces with the support of the Governors and the Governors-General, the President of the Hindu Maha Sabha started his campaign on the 9th of June in 1943. And that was his return gift to the nation which had presented to him a purse of about three lakhs of rupees obviously meant to meet future election expenses of the Hindu Sabha candidates. Mr. Savarkar gave his Instrument of Instructions for the formation of Ministries which ran as follows :—

> "In the Hindu-minority provinces whenever a Muslim Ministry seemed inevitable—whether it was sponsored by the Muslim League or otherwise—and Hindu interests could be served better by joining it, the Hindusabhaites should try as a matter of right to capture as many seats as possible in the Ministry and do the best they could to safeguard the interest of the Hindu minority. "Coalition Ministries" says Mr. Savarkar, "if they are actuated by just and patriotic motives can be an effective process which will train us up in team work, remove the sense of alienation and lead to national consolidation in spite of differences of race or creed."
>
> Laying down certain broad principles which should guide the representatives of the Hindu Mahasabha in the formation of such Ministries Mr Savarker says : "They should oppose publicly every attempt on the part of the Muslim Ministry to support Pakistan or the treacherous principle of self-determination to secede. The Provincial Hindu Sabhas should be left free in all other details, to agitate against any anti-Hindu step on the part of the Ministry in its collective capacity and if the Hindu Ministers are known to have recorded their protest against such steps they should not be asked to resign from the Ministry. The leading principle which must be emphasised is that the boycotting of a Ministry altogether is bound to be more often than not highly

detrimental to Hindu interests. Under the present circumstances the Hindu Mahasabha should try to capture as many positions of vantage as possible in order to assert the rights of the Hindu Party as an indispensable constituent factor, apart from the League or the Congress in any future constitution to be framed after them ."

Mr. Savarker emphasises that it is a misnomer to call a Ministry a "League Ministry" or a "Muslim Ministry" simply because the Minister-in-Chief or the majority of the Ministers happen to be members of the Muslim League or Muslims. "If the Ministry contains" adds the statement "Hindusabhaites or Hindu Ministers, it cannot but be recognised as a Coalition Ministry. The Congress Ministries were rightly called "Congress Ministries" not only because some Ministers belonged to the Congress Party but because every Minister was required to sign the Congress creed."

Mr. Savarker urges that in the Hindu majority provinces the Hindusabhaites and Hindus in general should take the lead to see if it was feasible to form a Coalition Ministry. The question of Pakistan or self-determination for the provinces to secede must be entirely left outside the ministerial scope in these provinces as one which could be raised after the war is over. Members of the Muslim League and other Muslims should of course be invited to join the Ministry but their number should not far exceed the proportion of their population in their province. The Chief Minister in the Hindu-majority provinces must always be a Hindu who openly pledges himself to safeguard the legitimate interests of the Hindus just as those of the non-Hindus.

The statement concludes that within the scope of the principles he had outlined for formation of Ministries, adjustment of details to meet the special circumstances prevailing in each province should be left to the discretion of the respective provincial Hindu Sabhas.

In these express instructions as in the implied instructions of the League, democracy is given the go-bye. The Governor of the Province is the God. The Chief Secretary is the High Priest, and not a word is said of the assurances of the Viceroy given at the time of the Ministry-formation by Congress in July 1937. The parties that had not fought for those assurances could not forsooth at least appropriate them to themselves as well, for those assurances were not given to the Congress but to the country. The four so-called Muslim-majority provinces which had formed their ministries in April 1937, irrespective of the issues which held the Congress aloof from them, then, were as much entitled to demand the observance of those assurances as the seven Congress Provinces. But neither the League nor the Maha Sabha thought it prudent to raise such an issue or even consider it consistent to do so because they were, in the formation or continuance of the ministries, acting as the instruments of the Governors, the Governor General and the Bureaucracy. Between the two communal parties they successfully tore to pieces all democracy, because the voice of the majority of the Legislature yielded place to the voice of the Governor, all Provincial autonomy went by the board because the "assurances" were solemnly and voluntarily surrendered and with them finally all joint responsibility, was given up because one group of ministers plumped for Pakistan while the other group swore against it. The handiwork of the Congress laboriously and artistically executed through the labours of a quarter of a century was wrecked in less than a year by the reprehensible co-operation of Communalism with Imperialism.

A strange theory was in the midst of this chaos propounded by Mr. M. N. Roy,—that as the Congress members of the Legislature put themselves outside the pale of Law, and as those that were free were not likely to cross the floor, the only course open to Governors was to select as ministers real representatives of the people, not those who were formally elected by the polling 10 per cent of the population who had the franchise but those who could justly claim to represent the unenfranchised majority, namely the 90 per cent of the population. So naive a suggestion made with such naivety would have possibly not been shown up in its nakedness if he had not mentioned by name two organisations, the National Democratic Party and the All-India Labour Federation which, in his opinion were the two truly democratic bodies. Verily a new portrayal of democracy was being made in the proposition that those who have no votes are better represented by the nominated elements than those who have votes by the elected elements.

The attempts to set up ministries in U.P., Bihar and C.P. as the next step and finally in Madras and Bombay did not have a smooth course. Public opinion rapidly veered round the Congress view and condemned the formation of such spurious ministries. So moderate, so balanced and so cross-bench-minded an institution as the "Servant of India Society" devoted its annual sitting in the 2nd week of June 1944 to a consideration of the political situation,—the deadlock, the setting up of ministries and the ever-recurring rigors of the Press on Ministry-formation which was then pending in the aforesaid five provinces. The Servant of India Society's resolution "condemned the attempts that were being made in certain provinces governed under Section 93 of the Government of India Act to set up ministries without parliamentary majorities which can be so set up only with the help of Governors and can function only in the absence of Congressmen in jail. The ministers in such cabinets would be non-official advisers in disguise, as they would owe their position not to any parliamentary majority but to the support of Government. The formation of such ministries would mislead international opinion and make it appear that genuine democratic government was functioning in the provinces. The proper way of ending Section 93 rule is to hold general elections in the provinces concerned and set up ministries in accordance with the results of those elections."

While neutral opinion was thus pronouncing itself in indubitable terms, Congress opinion positively and emphatically expressed itself as dead opposed to any connivance at or countenancing of the formation of such hotch potch ministries in Bihar and in C.P. Not all the Congress M. L. A.s were behind the prison bars. Some had served out their terms, a few detenus were released and a good number had not either sought prison or not been put into it by Government. Such Congress M. L. A.s as were outside in Bihar and C.P. were warned betimes that they should not act under any circumstances individually but should gather and take counsel together. Accordingly the Bihar M. L. A.s met in the middle of June and declined to form a ministry. Likewise Mr. Kalappa issued a statement from Nagpur declining to form a ministry in C.P.

## CHAPTER XXI

### Exit Linlithgow

One piece of psychological strategy that a foreign Government adopts in all periods of crisis is to divert public and popular attention from what constitutes the cause of acute discontent to something that readily captivates it. When the general indignation was centring round the personality of the Viceroy whose term had been extended by half its original measure, the repeated reference, in the Press to the selection of his successor would have its own share in relaxing the temper of the people and regaling them with prospects of a better Viceroy—at any rate, a new one, with possibly a change of policy. What should be the attributes of the new incumbent and how far are they likely to be fulfilled by each of the names mentioned for weeks in the Press? He should be a man of independence with sufficient imagination, courage and sympathy so as to be able to heal all ruptures and help new tissues to grow over the pestering sore. Will he help to lay the foundation of a Free India that will be friendly to Britain after the war? Will he leave the initiative to the Indians themselves so as to enable them to erect the structure which they must in future inhabit or should he be one who will simply carry out the traditions of the Conservative Party with its bias for Imperialism and its interest in capitalism? Various names were mentioned. At last the least expected name came out in the draw as that of the prize-winner.

The appointment of Sir Archibald Wavell who was a subordinate officer under the returning Viceroy, being the Commander-in-Chief of India, reminds one of what Lord Cornwallis wrote to Mr. Dundas on the qualifications of a Governor-General :—

"Nobody but a person who has never been in the service and who was essentially unconnected with its members, who was of a rank far surpassing his associates in the Government and who had the full support of the Ministry at home, is competent for the office of the Governor-General." Before that letter rached London, Sir John Shore was appointed Governor-General and over a hundred years later Sir Archibald Wavell was appointed Viceroy and Governor-General.

The appointment of a soldier to a high political office and a difficult one at that—became a lively issue in 1910 when Lord Morley put his foot down upon the proposal to appoint Lord Kitchner as Lord Minto's successor to the Viceroyalty of India, despite pressure from King Edward VII. "My whole point was that the impression made in India by sending your greatest soldier to follow reforms would make them look a paradox. This time, however, Lord Wavell was appointed—not to implement some reforms already fixed up but to initiate a new era of Reform and Revolution under which India would or should be freed from the thraldom of Britain. That the ideas of Lord Morley held the field till 1939 and held sway over Wavell, the soldier himself, was shown by soldier Wavell's analysis presented before the Cambridge students that year where he stated :

> "The Politician who has to persuade and confute must keep an open and flexible mind, accustomed to criticism and argument; the mind of the soldier, who commands and obeys, without question is apt to be fixed, drilled and attached to definite rules.

> " Interchangeability between the statesman and the soldier passed for ever, I fear in the last century.....No longer can one man hope to exercise both callings, the both are branches of the same craft, the governance of men and the ordering of human affairs."

Here there is an additional reason—to that given by Lord Cornwallis why soldier Wavell should not have been appointed Viceroy. And it was up to Civilian Wavell to prove soldier Wavell wrong. The question then was what would this author and biographer, this soldier and strategist, this linguist that spoke to Stalin and lectured in Russia in Russian, this Field-Marshall who escaped with a broken rib from Singapore 36 hours before its fall to the Japanese, do to raise India from the slough of despair into which she had been driven by the highbrows that had ruled her all these years ?

Once again, Mr. Amery figured in the Commons on the Indian question in the last week of July '43, and revealed himself and his conception of British democracy in true colours. He declared that the Government of India had decided that " in view of the circumstances of his arrest, Gandhi should not be afforded any opportunity of expressing or conveying his views to the public either in India or in this country—a declaration with which he, Mr. Amery, was in full agreement. Mr. Sorensen naturally followed up with the enquiry " how can anyone in this country know what particular views Gandhi has regarding the present situation." Nothing daunted, Mr. Amery came down and out with his reply : " It is not desirable that they should." If this was the answer vouchsafed to a member of the Commons to whom the Secretaries of State are supposed to be responsible under the unwritten laws of British democracy, one can readily understand to what depths of degradation and degeneracy that democracy must have sunk during the war years. Obviously Mr. Amery did not think so when the correspondence relating to Gandhi's fast and prior to it was published, when the booklet with profuse quotations from Gandhi's writings and thoughts from April to August 1942 was published in India as well as in Britain. Verily it is not democracy to accuse a man and repress his statement in answer, —let alone democracy, it is not common fairness in the world's day-to-day dealings.

The Central Legislature met in the last week of July and naturally interest was concentrated on Gandhi's alleged correspondence with the Government of India. Otherwise there was a growing feeling even among M.L.A.s who had assembled for the monsoon session of the Legislature that the House was being treated by the Government more as a petition-receiving body than as a legislative or seriously deliberative body. The main contributory factor to this feeling was that there was no guarantee that even when the Legislature was in session, the Governor-General would not resort to legislation by ordinance. Further, all important or controversial measures were to be kept out of the session. Thus, even matters of serious grievance like the food crisis or the South African Pegging Act were to be only generally reviewed on specially allotted days, so that discussions tended towards no conclusions. There was some mirth and amusement created when Sardar Mangal Singh who had been released some time earlier on conditions that he would not participate or attend in any meeting of five and more, expressed his doubt whether his attendance at the session was in order and whether he would be prosecuted for speaking in the Assembly. Another member—Kailas Behari Lal who was originally a Congress member but who crossed the floor stated that he had just returned from the jail where he had read that his brother was declared an absconder while he was actually in the jail with himself !

All motions of adjournment were disallowed and the resolution relating to the treatment of political prisoners which had stood over from the Budget Session for debate ended in a defeat both of the amendment by Joshi, which was lost by the casting vote of the Speaker and of the original motion which was lost by 41 to 38.

The long advertised and the long expected occasion for the Viceregal address before a joint session of the Central Legislature at last came on August 2nd. Verily, the mountain went into labour and brought forth the proverbial mouse. The Viceroy was really addressing both the Houses, a week before the completion of a full year after the arrest of Gandhi and the leaders, and he was to bid farewell too to the Legislature. It would be appropriate to review the situation in the country—political and economic at this time which might be regarded as a landmark in the annals of the country. This situation was in a way summarized by the Standing Committee of the Non-Party Leaders' Conference held on the 23rd July at Delhi in their statement which embodied a double appeal, one to Government to release Gandhi and the other to the Congress to concert measures in consultation with other parties, to form Governments in the Centre and the Provinces, " capable of securing the maximum co-operation of the people for the prosecution of the war and the creation of a Home Front able to stand solid against panic, unsocial activity and enemy propaganda." It was no wonder that the moderate forces in the country should have asked for such a remedy—not indeed for the first time, but for the tenth time since the outbreak of the war and the time of the arrests. The situation in the country was indeed alarming. There was no freedom of speech despite what the Turkish Mission and the Globe Trotters and even Louis Fischer might have said. It was one thing for an independent nation like Britain, Turkey and America to curb the tongues of their subjects whose interests are identical with those of their respective Governments and quite another for a foreign nation like Britain sitting as an incubus on India and holding her tongue. Then again the liberty of person was violently assailed by detention on a large scale, enforcement of ordinances contrary to judicial decisions through a validation of those declared *ultra vires*. The continued rule of provinces by Section 93, the virtual rule of Governors in provinces pretending to have ministries enjoying Provincial Autonomy through promulgation of ordinances while the Legislature was sitting or about to sit, the utter mismanagement of the Food problem with repeated assertions of " no over-all deficit " from Mr. Amery to Sir Sultan Ahamed followed strangely enough by a self-imposed prohibition of export of rice abroad by the Government of India, the equal bungling in regard to cloth, the insanitary conditions prevalent in Calcutta—dead bodies lying on the footpaths, latrines remaining unclean for want of lorries which were requisitioned by the Military, the misery of the cultivators in East Bengal unable to cross rivers over to their lands for want of boats which again were taken by the Military, the peak prices of rice touching Rs. 35 a maund through Bengal as against Rs. 8 at Bezwada, inflation., the existence of which was, like the export of rice, denied at first and admitted later and on the top of this, famine conditions and floods all over the country, —more than all these, the growing antagonism between Government and the people—constituted the outstanding features of national life or want of it in India on the eve of the Viceroy laying down his reins of office, and giving a review of his charge of over 7½ years' duration. On the constitutional plane, the deadlock remained where it was. The only deviation from the monotonous tone of authoritarian pronouncements was found in Mr. Churchill's speech who abandoning his sabre-rattling for one moment, referred to India

at Guildhall shortly before the close of the year of "disorders," as " *that vast continent which will presently find full satisfaction in the British Commonwealth of Nations.*" This statement coming on the top of Lord Wavell's pronouncements while he was as yet Sir Archibald Wavell, (that the political progress of India was not debarred during the war and that he owed a debt to India which he hoped to repay), led the optimists in India and Britain to believe that the new Viceroy might inaugurate an era of reconciliation. Just at this juncture came the news that Sir Ramaswami Mudaliar, on the eve of his return to India after ten months of membership of the British War Cabinet, stated that he would on his return to India see Non-Party Leaders like Sapru, Jayakar and Kunzru to enlist "their co-operation for the establishment and Indianization of the Viceroy's Cabinet."

Again it may be remembered that in the very announcement of Sir Archibald Wavell's appointment to the Viceroyalty and of Sir Auchinleck as Commander-in-Chief, there occurred an unusual statement that an East-Asia Command would be set up and that the new C.-in-C., Sir Auchinleck would be relieved of all concern with the war in the Pacific. The "setting up of a separate command to take charge of the strategic and operational control of the armed forces" would reduce the C.-in-C.'s powers to the maintenance of internal security, and circumscribe the functions of the Government of India likewise. Only they would be answerable for the recruitment of troops and their mobilization under the new Command. Was this meant to remove the hitch that broke the Cripps' negotiations? And as the East-Asia Command would only be for the duration of the war, the later arrangements might follow new lines without any embarrassment or conflict between the war operations (which will have then ceased) and the full functions of the Defence Member. That would still leave the question of the Viceroy being his own premier which was deprecated by Lord Samuel in one of the Lords' debates. The report prevalent at the time that a senior Indian member of the Viceroy's Cabinet would be asked to preside over the " Cabinet's" deliberations was a poor remedy and would not convert the new Executive Council, however Indianized it might be, into a "Cabinet". These are but *placeboes* administered to a credulous patient to act upon his mental susceptibilities not even *palliatives* meant to temporize the disease.

It may be of advantage at this stage to recall the terms of the national demand to which neither the aforesaid proposals nor the tentative scheme of the Non-Party Leaders' Conference would make a near approach. The national demand comprised the declaration by Britain of India's Independence and a treaty between Britain and India detailing the transitional arrangements that must necessarily intervene between the "present" position and a wholly independent future. This gap was to be covered by a bridge erected out of a Provisional Government, responsible to the people, which would bind itself not to hinder the war operations which would be in the charge—as then understood, of the C.-in—C. and as later arranged, of the East-Asia Command.

The Viceroy's speech came as a disappointment not indeed to Congressmen for they had long since learnt to expect nothing inspiring from the stolid and calculating personality of Lord Linlithgow, but to the people in India as a whole and equally to the progressive journals of Britain. It was a barren and doleful performance. It was all a wail over his own sterility—not unmixed with a certain blame—this time, not vituperative in character, of the parties and groups, the communities and the important elements of the national life of India. It was well said that the speech was notable for what it omitted rather than what it dealt with. A story is told of how once there was a cavalcade of statues of old Roman Emperors from amongst which

that of Caesar was absent. And the importance of Emperors was judged not by those whose statues were taken in procession but, by him whose statue was "omitted" from it. Even so the omission of all referenee by the Viceroy to Gandhi did not minimize Gandhi's importance but only brought it out in bold relief. This is how the *Manchester Guardian* had put its finger on the right spot and said :

> " The Viceroy has contrived to ' review his term of office' without so much as mentioning that Mr. Gandhi and the Congress chiefs are in prison, that they are forbidden to receive visits from leaders outside, that Mr. Gandhi himself is forbidden to write letters to these leaders. But this omission destroys the value of much of the speech. The general burden is, of course, that India's leaders and not the Government must find a way out."

The Viceroy's contentions were that the Federal scheme of 1935 was a sound one but that he could not implement it owing to "the war and the absence of agreement amongst those coneerned in India." It may be remembered that provincial ministries were formed in the Congress provinces in July 1937. And the Congress was never hostile to the ideal of federation and only objected to the seheme of the 1935 Act for reasons already described. If any one in particular obstructed the implementing of Part II of the Act it was the Prinees who raised all sorts of objections. Yet the Provinces could have progressed, but then the Muslim League was cited as the objecting party. Had not the Congress and the vast bulk of the Hindus objected to the communal decision of Ramsay MacDonold ? It was thrust upon the country and foreed down its throat. If the British authorities had been serious about the transfer of power even by degrees, they could have started Federation of the Provinces allowing the States to join the Union as and when they might choose. Do they expect the 562 States to fall in with the scheme of 1935 and are the Provinces to wait till that far off Divine Event when " the Hawk and the Dove shall nestle in peace"? Such a view is incompatible with honesty of purpose.

And when the Viceroy asked all parties to get together, whom did he mean ? Here it is that we are reminded of what Lord Hailey had written. Does the expression " all parties " include the Congress ? If so, how could there be a meeting of all parties when the largest, the most widely organized and the best disciplined party, to use the words of Mr. Amery, was behind the prison bars? The Viceroy had not the courage to state that the Congress had better be left out of aecount. Where the Viceroy was taciturn and reserved, the Seeretary of State was outspoken and frank.

We may now consider some of the statements of the Viceroy in detail. He exculpates himself and the " Home Government" from all blame for not being able to make better progress than expanding his Executive Council from 7 to 14 of whom eleven were non-offieials including a European and four were Europeans including a non-Offieial. This was done in two relays, the first while the Individual Civil Disobedience movement was on, and the second on the eve of the Bombay Resoution of August 1942. Whether judged by the selections made or the portfolios assigned, the step was but a reactionary measure adopted to keep up a show of Indianization which when the Viceroy made the speeeh still left two important places—Home and Finance—in the hands of officials and a third—Transport—in the hands of a European (non-official). To speak of Indianization in part in the year 1943 (August,) was merely a reversion to the Minto-Morley days. When at least men of substance like Sir Satyendra Prasanna Sinha and Dr. Sapru were called to

office they had the grit and the guts to resign on points of principle. Even the appointment made by Lord Linlithgow produced four men of national self-respect who resigned owing to differences of view, namely, Sir C. P. Ramaswami Iyer after a fortnight's term, Sir Homi Modi, N. R. Sirker and M. S. Anney. The Viceroy during Gandhi's fast proceeded to speak of the new status of India. This status had indeed been developing ever since the days of Montagu in whose time Indian members were taken to the British War Cabinet. Later Indian delegates signed the Versailles Treaty. Next they were invited to the Imperial Conference of 1917 and '22 and, the Dominion Conference of 1926. In 1931, Commander Wedge Wood Benn, Secretary of State for India spoke of India's "Dominion Status in action." The status is still incubating, laying its eggs off and on in the representatives of Washington and Chungking. It is a wonder why Mr. M. S. Anney's latest appointment as Agent-General, Ceylon, which he declares was a proof of the growing status of India, was not referred to by the Viceroy. Was it because Ceylon was a colony of the British Empire and not an Independent nationality like the U.S.A. or Chungking. If so Mr. Aney's claim appears to have been exaggerated. Status, however, cannot be ensured by a job in the West or in the East. Status is essentially indigenous in origin and what India has not within her own boundaries cannot be superimposed by the jobs outside her frontiers. Status is a biological growth—growth from within by intussusception—not a mineral growth—growth from outside by mere accretion. And India—with no Swaraj or independence can only be a dependent country, however well-dressed and bedecked it might be in the world's exhibition of nationalities.

Then suddenly the Viceroy made a paradoxical statement when he stated that "those divisions, that lack of agreement are due not to the reluctance of His Majesty's Government to transfer power to Indian hands, but to their very readiness to do so." The Congress might be a cussed body not to realise the fact of the offer. But was the Muslim League also equally cussed? Did not Mr. Jinnah, the President of the League complain at the 24th session of the League held in Delhi in April 1943 and likewise Nawabzada Liyakat Ali Khan, the Secretary, against the non-transference of power by the British to Indian hands? And the Viceroy avers that no constructive proposal was made by any of the parties in India, who were suffering from internal dissension. Did not the President of the Congress publicly state that the National Government be placed in the hands of the League and did not Gandhi offer the co-operation of the Congress with such a Government if so desired?

But Lord Linlithgow presented a new picture for the first time,—perhaps only unveiled before the public a picture he might have been evolving all these years on the canvas of his mind. Provisional Government, his Lordship pronounced, is only a temporary affair, a passing show. "Interim constitutional changes, which must in the nature of things be transitory, cannot be a substitute for a constitution determined by ordinary processes and agreement, processes which cannot be completed under the stress of War." In effect then half-loaf is not better than full bread. Full bread cannot be baked under the stress of water, therefore let the nation go without the half-loaf and without the full bread. Theoretical imperfections in a scheme have never proved and ought never to prove an impediment to practical solutions—the more so of urgent problems.

What then was the Viceroy's theme? "If there is to be any progress, Indian public men should without delay start to get together and to clear the way for it." Then the question was naturally raised as to who these public men might be when the leaders of the Congress were in Jail. Mr. Amery

explained the puzzle in clear and unambiguous terms in answering certain questions in the Commons : " Regarding the suggestion in the missionaries' statement to grant an amnesty to political prisoners who are prepared to follow constitutional methods, it was the choice of very different methods, which they have shown no disposition to renounce, that has led to the continued detention of Mr. Gandhi and the Congress leaders."

The obvious implication—nay meaning of this answer is that the Congress might be left out of account, that the Hindu Maha Sabha, the Muslim League and the Sikh Khalsa together with the Harijan organization, must meet at a square table and evolve a formula, a constitution and an agreement between Akhanda Hindustan, Pakistan, Azad Punjab and Harijanstan and on that foundation raise the edifice of Indian Swaraj. It is the intoxication of Victory, the consciousness of triumphant Imperialism that backs up the spirit of irony, taunt and challenge that underlies this offer of Lord Linlithgow couched in seemingly inoffensive and winning terms and interpreted by Mr. Amery 6,000 miles away in language which says " Do your worst, the Empire has emerged unscathed and will emerge unscathed from the exploits of the fly on the wheel." That was the meaning of the Viceroy's omitting all reference to Gandhi, the Congress and the Bombay Resolution and that was the substance of Mr. Amery's answers in the House of Commons. " The Congress had outlined itself by espousing a method that proposed to disregard all non-moral Law and no one was to blame if the logical sequence of it was outlawry." Amongst the Viceroys of the 20th century, it may be recalled that Lord Curzon had made his reign memorable for the Ancient Monuments Act, Lord Minto for his Hindu-Muslim tangle through separate electorates, Lord Hardinge for the solution of the South African problem, Lord Chelmsford for his Jallianwalla bagh, Lord Reading for his Reverse Councils in the name of " Justice," Lord Irwin for the Gandhi-Irwin Pact, Lord Willingdon for his senility and Lord Linlithgow for his lengthy sentences, for his difficult and delayed labour in delivering solutions of small problems, for his notorious incapacity to face vital issues and in a word, for his glorious failure to comprehend the secret of the Indian problem after working at it for seven and a half years. He departs this country a sadder and—let us hope—a wiser man, by learning the simple lesson himself and teaching it to others in his country that " With a nation as with a man it is the total impression—the conduct summed up in terms of character—which counts. No inventiveness in the arts of terror or seduction can change the fact that nations, at war as at peace, speak to the world and persuade the world by the things they do as well as by the things they say—and more convincingly." Alas for the fleeting times and missed opportunities—which once let go never recur. Why should Lord Linlithgow have forgotten the simple lesson of history—of his own forbears and statesmen who mistook the nascent nationalism of newborn countries for rank chaos even as one would mistake the throes of delivery for disorderliness and incompetence? Why should the noble Lord not have borne in mind the old, old lesson that:

> " If a great change is to be made in human affairs, the minds of men will be fitted to it ; the general opinions and feelings will draw that way. Every fear, every hope will forward it ; and then they who persist in opposing this mighty current in human affairs will appear rather to resist the decrees of providence than the mere designs of men. They will not be resolute and firm, but perverse and obstinate."

Never had a Viceregal pronouncement have had such a bad press as Linlithgow's speech on August 2nd. There was a chorus of veiled or express

condemnation. The *London Times* which all along had held the balance ever since the August Resolution of Bombay, between the British and Indian Governments on the one hand and the Indian National Congress on the other, maintained stolid silence on the Viceroy's speech. Obviously it had no good word to say for it, and it was not willing to say a bad word as it would fain have said.

One full year of Gandhi's incarceration was to be completed on the 8th of August and the occasion gave rise to some searchings of the heart in England at any rate, though not in India. The British Press made significant comments both on the completion of the year, as well as upon the Viceroy's speech. The anniversary of Gandhi's arrest gave rise to serious apprehensions in the mind of the Government of India of a possible revival of disorders such as had been witnessed a year previously. They therefore took precautions all over India by way of arresting thousands of persons who in their opinion might prove a source of trouble. Over three hundred were arrested in Bombay a couple of days before the anniversary day and almost all of them were released in a couple of days after it. There were meetings all over India wherever they were not prohibited which demanded the release of the political prisoners and in particular, of Gandhi and the Congress leaders. In London, many meetings were held in different parts at one of which that indefatigable lover of freedom, Mr. Sorensen spoke urging that spiritual courage was required to grapple with the situation in India. On the occasion of the anniversary, Mrs. Sarojini Naidu who had been released several months previously and who was still ailing at the time made a statement to the Press as follows:

> "Following the arrest of Mahatma Gandhi and the Working Committee, there seems to have arisen some confusion of ideas and conflict of opinion among Congress workers who were suddenly left without a definite mandate or any recognised leadership. I wish to clear any lingering doubts by stating that no authority was delegated either by the Working Committee or by the All-India Congress Committee to any individual or groups within the Congress to issue manifestos or evolve new policies in the name of the Congress, nor, as has been for some time alleged, but which I am loathe to believe, to further secret activities directly opposed to the accepted creed and traditions of the Congress."

It was really as much the approaching arrival of the new Viceroy as the receding first year of the reign of lawlessness in the country that evoked a spate of opinions from high and low, from Indians and Englishmen, from India and Britain and America about the political situation in India. The reactionary view in favour of calling off the movement and going on all fours before the mightythrone of the Viceroy of India has been already referred to casually. As if to strengthen the argument, others came forward who, forgetting the fact of recent emergence from ministerial responsibility deliberately surrendered at the outbreak of the war, but consistently with the frequent change of views from Non-co-operation to abuse of Khadder, from condemnation of Gandhi to joining the Congress ministry, and from resignation of ministry to a raking up of old sores,—reminded the public of the original sin of Gandhi's public life which had led him to espouse the cause of Khilaphat and C. D. against the combined advice of his earlier colleagues.

It is lucky for India that against these high and mighty Indian intellectuals, there emerged from time to time as occasion called forth, towering personalities like Arthur Moore, (formerly editor of the *Statesman*) who with a penetrating vision and a keen insight, analysed the whole problem and hit

out the right solution. Mr. Moore in a special article to the *Tribune* of Lahore explained how the present—not the future was what mattered, how the Congress with rare practical sense demanded immediate responsibility which would solve all communal rivalries, instead of future constitutional plans envisaged by the Viceroy which only tended to promote and aggravate existing internecine quarrels. No one denied that the Viceroy had all along laboured " to remove doubts as to the intentions of His Majesty's Government regarding India's future." " But in every crisis " said Mr. Moore, " the present is more important than the future, and correct action in the present is the only means of removing the doubts about whether there will be correct action in the future." At this stage (August 1943), Rt. Hon'ble Sastri pleaded hard and passionately for Gandhi's presence at Peace Conference.

From a study of the preliminary report of the Pacific Conference published close on the Viceroy's speech of 2nd August before the Central Legislature, it became evident that Sir Ramaswami Mudaliar's views as communicated to India from London by a representative of the *United Press* and later on his arrival at Karachi, were meant to prepare the country for the wholly limited view the British Cabinet must have decided to take in respect of the Indian Deadlock. Only the Cabinet wanted to strengthen its position by citing the decisions or recommendations of the Pacific Conference, which it was pretended was wholly non-official body though Government's spokesmen were present at it. Whether Sir Ramaswami Mudaliar and Sir Md. Zafrullakhan were meant to be regarded as Government's spokesmen was not clear, but the reference to " an Indian representative" in the report as being the author of the reactionary views expressed throughout the sittings and notably at the Indian Round Table, must have been to one of these two worthies. It may be readily seen that the final resolution reached at the plenary session was altogether the result of the reactionary Indian views, pressed by the author whoever he might have been, against the directly opposite views expressed and pressed strongly by the representatives of Canada and the United States. All honour to the Canadian representative whose vision was not blurred by the miasma of Imperialism, and whose judgment was not warped by the servility and abjectness of a subject nation and the obsequiousness of high office held under a foreign rule.

A perusal of the Preliminary report hardly leaves any doubt that the American and Canadian representatives were more anxious to break the political deadlock than the Indian worthies. That was only to be expected considering the manner of the selection and the antecedents of the personnel of the Indian delegation far and away in Quebec. Indianization of the Viceroy's Executive Council might have sounded a progressive measure but that really deceived no one. An exploratory Commission to prime up the engine that moves towards a constitution and an advisory committee composed of representatives of the United Nations to guide the former—these might have sounded adequate as well as appropriate steps to people steeped in ignorance of the recent history of India but to them that had heard of the Simon Commission, the four Round Table Conferences, the Hertzgog Committee on Education, the Otto Rothfield Committee on Finance, the Butler Committee on Indian States, and the Lothian Committee on Franchise and then the Indian Committee of the Round Table, the Joint Parliamentary Committee bodies that worked from 1927 to 1935, the new creation of the Pacific Conference was only a purposeless counterfeit of their effete and infructuous predecessors. For any Indian to go all the way to Quebec and parade India's differences—which are neither inborn nor unbridgeable except

in so far as they are kept up by interested outsiders and shortsighted insiders was a pathetic and melancholy spectacle for which he (or they) could only be commisserated. But to say that so long as Gandhi dominated the Congress, the Congress could not co-operate with Government, was to ignore the Bombay Resolution of August 8th which in so many terms offered armed and other help to the allied nations in the war. The limit, however, was reached when it was stated that in reality the Viceroy did not conduct the Government of India, but it was his Executive Council, for the statement was untrue both in letter and spirit. Obviously, the Canadian and U.S.A. representatives must have been laughing in their sleeves, for they themselves suggested arbitration by the United Nations, release of the Congress leaders and suspension of Civil Disobedience in return. But they must have been scandalized when their suggestion met with the objection that mediation or arbitration would alienate the minorities. The former protested that they were not blindly supporting the Congress but seeking to break the deadlock. Surely it did not require much imagination to perceive that a deadlock involved the interest of minorities as integral factors to the dispute and measures concerted to break must of necessity, consult and satisfy their interests. Likewise the American and Canadian suggestions that the Viceroy's Cabinet must be made a responsible Cabinet, met with the objection that was so often trotted out in India. This, however, was not the first time that Indians were invited to Britain and America only to enact the sorry scenes of internal strife wantonly fomented in their own native land and warmly espoused before strangers more just and discerning than themselves.

What was the effect of this recommendation of the Pacific Conference? India's political problem must remain where it stood. During the war, no more could be hazarded than mere Indianization of the remaining three memberships of the Viceroy's Executive Council. And that too was apparently not meant to be inaugurated by the new Viceroy. That alone would explain the absolute taciturnity of Lord Linlithgow in delivering his farewell address to the Central Legislature. The fact of the matter seems to have been this—that the British Cabinet did not view with favour the idea of establishing the Central responsibility in India. They did not share the oft-repeated view—repeated by the scholars and statesmen of Britain, by the Liberal and Labour organs of England, by the ecclesiastical dignitaries of Canterbury, York and Bradford, by the Missionaries in India,—that the war effort in India would greatly be strengthened by the accession of the Congress to the ranks of the positive forces that helped wholeheartedly in its advancement. It was repeated *ad nauseam* that the monthly rate of recruitment came up to 50,000 while in the two months succeeding the August Resolution of the Bombay sitting of the A.I.C.C. it went up to 70,000 per mensem. Recruitment had to be steadied in view of the paucity of equipment and it is amusing to hear authoritatively that some of the recruits had to be trained with the aid of wooden rifles. Recruitment thus left nothing to be desired and did require the help and co-operation of the Congress. Nor could the Congress in any way further the manufacture of equipment to any degree which could not be attained by the British Bureaucracy in India. What remained then? Would the Congress canvas monetary help from the Indian public—the Indian peasant who in the opinion of the Congress had all along been bled white? The answer would be in the negative. When more men were not required, more munitions were not possible, and more money was out of the question, what was it that Congress could do to advance war effort? Of course, there was the moral element which it alone could contribute by making the nation feel that the war was theirs to wage, that

Defence was their national duty. But in terms of rupees, annas and pies, in terms of tons, hundredweights and quarts, what would be the equivalent in the world, physical and material, of this much-lauded, oft-lisped moral value? None, none to a nation that believed in blood and iron, none to an Imperialism that believed in big battallions, none to the worshippers of unmitigated force as the final arbiter in international disputes. Accordingly, the Pacific Conference was stage-managed, the so-called non-official representatives were nominated officials and non-officials. Their independent viewpoint was the brief prepared for them by the British Cabinet and the Government of India acting in perfeet harmony and concord. Their recommendation was trotted out just after the Viceroy's speech and within a week of it in India. An exploratory commission was to be appointed and under its auspices, the drama of the Constituent Assembly was to be enacted. It was clear that this Constient Assembly would be a grim reality if it was to be organized under the auspices of a National Government. That calamity was obviated at the Paeific Conference itself when it was argued that the National Government was to be a body responsible to some one and when it was asked with upraised hands as to what that body was to which the responsibility would be rendered: Why could not fresh elections be held to the Central Legislature? When Canada had held its general elections and likewise Australia and South Africa, when parties measured their respective strength, when public opinion was challenged upon the very question of joining the war or getting out of it,—all in the months of July and August 1943, why could not India hold these elections? A new Legislature so constituted would be the body to which the Viceroy's Cabinet would have owed responsibility. Unfortunately, but by deliberate device, the Congress representatives were absent from the Pacific Conference to explain and elaborate this view of the matter and universal regret was expressed at their physical impossibility to be present. But what would such pious and prayerful remonstrations matter to the British? Mr. Amery spoke again and again but in the old strain. It is the habit of the British mind and British temperament to fly to the ideal while the talk is on the practical and to descend to the practical when the talk is on the ideal. The presentation is always of a two-faced picture—one of Imperialism and the other of Self-Government for the colonies and the dependencies. The picture is one and single like the one familiar to the Indian readers—of the cash sales and credit transactions. You have only to look at the picture in two ways. That on Imperialism depicts a British magnate, peer of the realm, or captain of industry, rejoicing over the wealth that is his. Invert it and you see the picture of the democrat forced to concede the principle of Self-Government to the Colonies and Independence to India—a picture which with the same curves and contours, the same light and shade, the same dots and strokes, weeps and mourns over the impending and inevitable loss of empire and commerce. The struggle then in the Britisher and in Mr. Amery—a typical Britisher, is between the ideal and the real, the immediate and the remote, principle and expediency, the living and active present and the uncertain and imaginary future. In other words the conflict is there always between the evangelist and the politician, between the poet and the warrior, between the philosopher and the statesman. That is why we come across the groups of ministers —the Churchills, the Joynson Hicks, (Brentfords) and the F. E. Smiths (Birkenheads) in one group and the Morleys, Ronaldshays (Zetlands) and the Ameries in the other group. Mr. Amery is a master of English prose. He has the knack of concealing practical defects in the clothing of theoretical idealization, of running to poetic heights and romantic depths. But when it

comes to a question of brass tacks you have nothing but the brass tacks. The fact is that sonorous phrases and sayings solve no deadlocks.

Lord Wavell, the Viceroy designate, gave an inkling into his programme somewhat at the Pilgrims' Luncheon given in his honour in London on September 16. The Society represented the two great nations—British and American with which his Lordship, Viscount Wavell of Winchester was connected. But the pilgrims are no longer the wanderers of old like the Pilgrim Fathers that had left the shores of Albion in quest of Purity and Freedom of Faith in the 17th Century. In recent years as Lord Wavell said, they had lost the Pilgrim spirit and had become too set and content. It was well that the speaker at least remembered John Bunyan's warning that " no discouragement shall make us once relent our first avowed intent to be a pilgrim." A pilgrim's duty is to pursue the search after Truth. Truth lies in Non-violence and not in violence ; greed, ambition, tyranny of the strong over the weak, is violence. Duty to the weak, love for others and recognition of their right to the Four Freedoms of Roosevelt is non-violence. If Lord Wavell's proclaimed love for India was a true pilgrim's quest of the Truth, then might he hope to emulate the example of his Master and Chief, Lord Allenby, whose achievements in Egypt are well known achievements which Miss Margaret Pope recalled in the Press at the time.

The speech was received in India more as a pious wish than as a firm resolve. Even so, it was a fine portrayal of the spirit that should inspire him.

The Pilgrims' Luncheon was closely followed by the reception accorded to Lord Wavell by the East India Association. His Lordship repeated the fact of the difficulties and dangers ahead of him but sought comfort in the great goodwill in all classes in England towards India and the realizing of the magnificent opportunity lying in front of India. And in this speech he added that if he could do anything to help her on that path, he should be only too proud and happy to do so. But Mr. Amery sounded a note of warning to him that a sagacious elephant always tested the bridge before crossing it. Lord Wavell was content to say that "this sagacious elephant has got to find the bridge itself." That was perhaps well said, for he did not obviously care for the existing bridge which needed no testing as it was obviously frail and unsuitable but would rather make a new bridge that would bear the load of a united India.

One dinner followed another. The next host was the Royal Empire Society. Lord Wavell's speeches could not present the kaleidoscopic variations of colour and design which a quick change artist like Curzon could have effected. But there was a note of caution which gave rise to repetition of language and sentiment. " I go to India with a full realization of the dangers and difficulties to be faced." " The United Nations owe much to India for her efforts in this war." " But we must realize the great strain under which India's economic transportation and financial systems are suffering and be careful that we do not put too heavy a burden on them." He goes to India " with the sense of very great responsibility but also with the vision of a great future in front of India." Only her leaders must be helped " to choose the right path."

A new note was struck at Winchester which has given Lord Wavell his title. "We have made mistakes in India—mistake of manners, mistake of judgment once or twice but very rarely, blunders due to greed or fear, but the good we have done in giving India peace, in encouraging the national spirit and in leading India along way down the road towards Independence and Freedom has been one of the finest pieces of Government and administra-

tion." But forthwith a balancing note of caution is sounded in saying "for the moment the outlook seems dark and the right road hard to find. If we could lead India a little further, we shall have set the seal on the great task and can let her direct her own footsteps to a great and prosperous future we hope."

The advent of a new Viceroy to the throne of power in Delhi and Simla created unenviable situations for the Labour Party in Britain. The Conservatives were frankly conservative, reactionary and retrograde,—Imperialists under the leadership of Winston Churchill who would not be a party to the dissolution of the Empire. The Liberals were there only in name, not even in numbers worth counting. Labour which had risen to power twice in the previous two decades found itself practically engulfed by the Conservative Party and merged with it. There were three groups, the right wing and the most influential under the leadership of Attlee, Morrison, Bevan, Greenwood and Ridley. The centre was led by Sorensen and the left by Mr. Cove. The party in power marked time to the tune of the Conservative Wing and would not embarrass Government on the Indian question but lead a deputation to Lord Wavell, the Viceroy designate, to tell him that the Labour Movement believed in self-governing India and was in favour of a generous policy and any generous steps he thought it desirable to take in order to promote settlement would warmly be approved by them. Thus if nothing could be done, the Labour Movement could at least impress on the new Viceroy that reactionary negativism did not represent the mind of Britain and that he might make a friendly gesture to the opponents of the Government. The centre would not be satisfied with "complacent negations but has a moral obligation to discover how aggravating factors can be minimised or removed so as to initiate further efforts to satisfy Indian aspirations and demands. Its hope was that in view of the changed situation the Congress leaders might themselves recognize the need for revising their own policy which together with the future developments of war in the Far East calls for impressive, psychological and political developments. It would press for the offer of a complete Provisional Government without the Viceroy's veto pending the evolution of a new constitution. Mr. Cove's standpoint is that of rights, not concessions, for the Congress. He urged the demand for declaration of Indian Independence, immediate formation of Indian National Government, release of all politicals and all steps needed to create goodwill.

While the big guns were booming in the Transport House where the Joint Committee on India of the National Executive of the Labour Party and its Parliamentary Committee were deliberating, the Trade Union Party, the less influential showed a better outlook. Mr. Dobbie, the Trade Union Leader demanded a big change in India and declared that the famine in India was very largely the result of administrative chaos and muddle and at the same time, the refusal of administrators to obtain the co-operation of the people.

As the time for Lord Wavell to leave England for India was fast approaching, even the Tories bestirred themselves to a sense of their duty to India. The activity again of the ecclesiastical section was manifest in the following enquiry. Replying to a question about the resolution forwarded to him by the Methodist Church of Wolverhampton and Shrewsbury District based on the information of missionaries in India, Mr. Amery said :

> "I have noted the resolution referred to. I am confident the new Viceroy will do his utmost to promote better understanding between the

communities, but the prospects of a solution of the Indian political problem depend mainly upon the attitude of the political leaders."

Nor was the ecclesiastical world insensible to their duty by India which regretted the deadlock and the misunderstanding in India.

It was not an accidental coincidence that on the day of Lord Wavell's arrival in Delhi, Mr. Amery gave an interview to the Political correspondent of the *Sunday Times*—in which " he reviewed the recent difficult years in Indian affairs and took a tentative look ahead." For the first time after Sir Stafford Cripps' departure from India (April 12, 1942), Mr. Amery stated the prevailing position in regard to the Cripps proposals, " the broad outlines " of which he had all along said, remained open.

When on October 28, in the course of Parliamentary interpellation on the food situation, Mr. Amery was asked by Sorensen whether any conversations took place with Congress leaders and whether it would not be well for conversations with such important bodies to take place, he replied as follows :

" Four years ago the Congress leaders deliberately rejected any responsibility for Provincial Government and have since embarked upon a policy of irresponsible sabotage of the war effort.

" Until they make it clear that their policy is entirely clear, there is no reason why they should become responsible for this essential proverbial problem."

There is an end to everything in this world, even to Lord Linlithgow's Viceroyalty after 7½ long years which proved arduous for himself and constituted a trying time for India. His rule over India is an object lesson on " how not to start " and writer, O. Edwardes had an illuminating article on Lord Linlithgow under this caption in the *New Statesman and Nation* (12-6-43) parts of which deserve reproduction here :

" With 10 years' previous service in India, Willingdon said in his first public speech as Viceroy that he wanted to be India's first constitutional Governor-General before his time was up. In his first hour of office with much less experience of India, Linlithgow broadcast a homily to the whole country in the manner of benevolent pastor—master telling it in effect how he hoped to be loved but also how he expected it to behave. He directed that extracts from his speech (relating to his long service with the Army—omitted here, Editor) be framed and posted in appropriate spots all over India and that on a day near the middle of May, one of the hottest months in the plains, troops and police be paraded especially to hear the messages read once again by their officers.

" He had been in office just about a week when he peremptorily sacked a whole battalion from guard duty at the Viceroy's house because he saw what he *thought* were three or four sepoys whom he *thought* to be on sentry, go smoking or playing cards in the small hours."

A fortnight later this letter went out from the Bureau of Public Information to one of India's newspapers :

" I understand from the Viceroy's Private Secretary that His Excellency has been surprised to see the way in which the.....publishes the Court circular...(he meant the Viceroy's, not the King's). It is printed up in one box under the heading " social and personal " with items of information about the movements of private individuals. His Excellency's views, I am informed is that a newspaper such as the

.....might reproduce the Court circular in approximately the same way as the London *Times*. There as you know it is treated somewhat differently from ordinary social and personal items. There would, of course, be no objection to announcements from Provincial Government Houses, being published with the Court circular but His Excellency feels that the inclusion with it of items such as I have outlined in red in the enclosed cutting is undesirable.

" In the paper concerned, the circular was already being printed daily at the top of a column of the second best page of the news. The items outlined in red related to such private individuals as a senior member of the Government of India and an Indian Statesman. The treatment differed from the habits of the London *Times* by the thinness of the line or ' rule ' obviously distinguishing them from the Viceroy's Court circular. Very admirably Lord Linlithgow presented three stud-bulls for the free use of poor breeders in Delhi, and urged private enterprise to follow suit. But he need not have claimed or allowed the claim to be made that that was an original idea. The Punjab Government for instance had given over 4,500 free studbulls in the 8 preceding years. Official statements described a project " inaugurated by H. E. the Viceroy " for the supply of free milk daily to school children—after he had seen how well it was being done by local authority in Sind before he became Viceroy.

"Personal incomes in India were variously estimated, at the time, to average between £5 and £9 a year per head of the Indian population. The Viceroy's salary was about £20,000 a year (in rupees, 256 thousand—Editor) plus a sumptuary allowance of £3,000. He also gets a grant roughly equivalent to four times his salary, for his staff, his comings and goings, and perhaps a few other extras. Here are two items of expenditure in Willingdon's penultimate year and Linlithgow's second year:—

| | 1934-35 | 1937-38 |
|---|---|---|
| 1. Private Secretary's Establishment... | £14,516 | £26,023 |
| 2. The Viceroy's Tour ... ... ... | £29,156 | £39,000 |

"Some tax-payers wondered why 99 people had to go with Lord Linlithgow on his " private visit " to an Indian prince for ten days in October 1936, and 124, when he went to another State a month later, for not so long ....

" In his original broadcast homily, he had said : ' In my judgment the appropriate form of the exposition and where necessary for the defence of the Government policy is upon the floor of the Legislature."

" In the first session of the Central Legislative Assembly, after he took office, Linlithgow beat all previous records in his use of the power to quash debates. He voted more than a dozen adjournment motions—not always because they belonged to provincial rather than central jurisdiction and were therefore *ultra vires* and he banned the introduction of a bill to make reports of the Assembly's proceedings privileged.

" At the height of the constitutional crisis in the Spring of 1937, when the Congress was haggling over the terms on which it would accept office, for a spell, Linlithgow left New Delhi to spend a few days shooting in the Bareilly District before proceeding to Dehra Dun and Simla. But he may have been prudently waiting on the certainty that time and there own internal forces would bring the Congressmen into line as in fact they did. So after 12 weeks, he spoke. He must use, he said, ' the language of precision.'

Here is an example of it addressed to a people whose mother tongue, anyhow, is not English.

" The design of Parliament and the object of those of us who are servants of the Crown in India and to whom it falls to work the provisions of the Act must be and is to ensure the utmost degree practicable of harmonious co-operation with the elected representatives of the people for the betterment and improvement of each individual province and of India as a whole and to avoid in every way consistent with the special responsibilities for minorities and the like which the Act imposes, any such clash of opinion as would be calculated unnecessarily to break down the machine of Government or to result in a severance of that fruitful partnership between the Governor and his ministers which is the basis of the Act, and the ideal, the achievement of which the Secretary of State, the Governor-General and the Provincial Governors are all equally concerned to secure."

To this we may add another sentence from the latest, really the last speech of the Viceroy delivered before the Chamber of Princes on the 14th October on the eve of his departure:—

> " On the eve therefore of my laying down the great office which I have had honour to hold, I appeal to Your Highnesses here to day and through you to the Princely Order and to all who exercise authority and Independence in the Indian States, to see to it that the splendid opportunity lying before the rulers of those States, is not missed, and to ensure that advantage is taken of it with such vigour and foresight, with such judicious blending of old and new, with such subordination of narrow, personal and local interests to true patriotism that the future of India,—of the Indian States in close collaboration with British India may be ensured, and that future generations may remember with gratitude the part played by the leaders of Princely India in securing the stability of that common and glorious inheritance."

Lord Linlithgow's departure from India, it was said " closed the longest and most dramatic Viceroyalty since the Mutiny." Verily it was so. It is the longest because it was longer than Lord Curzon's stay in India by about six months, although the latter's Viceroyalty was not extended from year to year but had been renewed for a full term of five years. The second aspect of the observation, that Linlithgow's was the most dramatic Viceroyalty is equally true for a drama may be a comedy or a tragedy, and in this case it was the latter with Linlithgow as the hero. He was a ponderous character, —heavy in build, stolid in temperament, slow in understanding, conservative in politics, Imperialistic in outlook, vain as a peacock with none of its beauties, egotistic to a degree, ceremonial-ridden, inaccessible, formal in manners, uncommunicative and reserved in habits, flamboyant and circumlocuitous in his pursuit of precision, ineffective, unpurposeful in action, unsympathetic and callous at heart. He created suspicions in the minds of the people because of his want of frankness, so much so that his avowal of geographical and economic unity of India and his advocacy of Federation as the need of the hour to work it out, was received with a grain of salt because people doubted how the fission he had encouraged between the Hindus and Muslims communally, between the Provinces and the States territorially, between the Caste Hindus and the Depressed Classes socially, between the regulation provinces and the scheduled areas economically, were compatible with the many sided unity that he had rightly but orally advocated. He favoured the Princes to the point of pampering them and played them against the Congress as his pawns indeed as a deadweight against the progress of

Democracy. He extended his recognition to the Hindu Maha Sabha in August 1940, so as to balance the Muslim League and be able to say, as Mr. Amery did, that even if the Congress and the League agreed, there was the Hindu Maha Sabha to be considered. He chose as his colleagues on the Executive Council, men who were the avowed opponents of the Congress—or renegades from its ranks. He put the leaders of " the most important political party " to use Mr. Amery's latest phraseology behind the prison bars and complained that they did not meet the Muslim League and strike up a compromise with it. He forbade all communications between the Congress leaders and the League leaders and criticized that they did not come together. He did not care to grant the much-sought-after interview to Gandhi in August 1942 and his Government provoked, by the leonine violence of the police and the military, unexampled mass outbreaks in the country. He did not say a word by way of sympathy or utter one syllable by way of appeal in respect of the lakhs that were dying of hunger in Bengal and Orissa. He made a parting present to the nation in the last days, of his office (October 16th) in the form of an ordinance providing heavy penalties known as the Subversive Activities Ordinance.

He disappointed the high hopes entertained of him when he took up the reins of office based upon his past association with Indian Economics and Politics. He concealed a mailed fist beneath the silken glove with which he shook hands with Gandhi. He belied by his conduct the asseveration of friendship that he avowed on the steps of the Viceregal palace to which after he had bid goodbye to Gandhi in one of the latter's six visits to that Olympian height, he returned only to offer this reassurance. He involved India in a war not her own without so much as informing the Legislature of the land—a procedure which has earned the censure of the London *Times*. He left with unimaginable hardheartedness Gandhi to his fate in his 21-day fast at the Aga Khan Palace and left the nation to guess his feelings on Gandhi's survival. He sent the Indian troops abroad to Egypt and Singapore without consulting his Legislature and contrary to the undertaking given on its floor. He had threatened to resign if the Cripps' proposals were amplified so as to meet the Congress wishes. He refused C. R.'s request for access to Gandhi and challenged his representative capacity. He insulted Dr. Sapru by asking him to read his address on behalf of the All-Party Leaders' Conference and silently listen to the official reply. He prevented Gandhi's letter to Jinnah from reaching the addressee when it was obviously meant as a gesture of goodwill. As the *Glasgow Herald* (October 19) put it, Lord Linlithgow emerged from his trial with high credit but no good fortune at the end. There is tragic irony in the coincidence that the only Viceroy of our time identified with agriculture should have been in office when the horror of famine so long unknown in India fell once again upon the land.

He left behind a cumbersome record of frustration and futility to the historian and an unenviable legacy to his successor and departed—not the shores of India but—the masoleums of Delhi unhonoured, unwept, unsung.

## CHAPTER XXII

### Enter Wavell

The somewhat sudden and unexpected arrival of Lord Louis Mountbatten at Delhi in the 2nd week of October was followed by the arrival of Lord Wavell in Delhi on the 18th October, 1943. The latter's arrival was neither sudden nor unexpected. But it was said he was the first Viceroy-designate ever to have flown to India to take up his appointment. His last words to the Press representatives in London : "I have a big problem before me" were doubtless indicative of the sense of the load he was carrying in his heart. An inkling into the nature of that problem had already been given by Mr. Amery when he said in Parliament that he was confident that the new Viceroy would do his utmost to promote better understanding between the Communities. It was obvious that the problem was not only big but also difficult and delicate, the difficulty or the delicacy not being intrinsic or insurmountable but due to conditions created by the old Viceroy. It required obviously a good deal of diplomacy to inaugurate a new policy without appearing to reverse the old—the more so, for a former subordinate of the then Viceroy to deviate from his whilom master's policy. It was not by any means an easy task but Lord Wavell was credited with that outlook, self-confidence and discerning judgment which would enable him to overcome all sentimental obstacles.

The new Viceroy stated in England that he had three chief points in his mental handbag, the first of which he said, was to win the war. Let us for a moment digress from the main issue relating to India and visualize the situation as it would present itself before Lord Wavell. To win the war was placed by him as the first of his three immediate objectives in a speech delivered in Britain. He gave the second place to Economic and Social reforms, but a realistic grasp of the Indian problem would not take long to reveal the fact that in India these problems could neither be given precedence of the political problem nor could admit of treatment apart from it. The days were long past when with paternal care the British could claim to think and act for the people and defend them. Equally past were the days when the British could have set themselves up as trustees—indeed self-elected trustees—of an unwilling nation to look after their affairs not for the exclusive good of the "wards", but for the concurrent or overriding benefit of the "guardians". Nor was the question of unity among the communities and interests of India a relevant factor in the settlement of the Indian problem. Dissensions deliberately set up could not disappear of themselves and their continued existence could not therefore be treated as an obstacle to the discharge of an urgent duty. And even if it were considered a relevant factor the only way of facilitating its solution was to enable the leaders to come together—which meant the releasing of the Congress leaders.

Meanwhile Lord Wavell was singled out in particular for his abolishing the formality and state etiquette from the Government House which, as William Palmer had complained of in his letter to Warren Hastings (November 4, 1813), were introduced at the Government House but were not at all suited to the habits and manners of the community and which were meticulously kept up by Lord Linlithgow. "The society is accustomed" says Palmer "to an intercourse with its Governor of dignified affability on

his part and of respectful freedom on theirs and will not, I apprehend, readily adopt the relations of sovereigns and subjects." "Household establishment is formed resembling that of Royalty—probably modelled on that of the castle of Dublin. Be it as it may, the transition is too abrupt to please." Apparently Wavell found this very state in the Government House, an elaborateness and stiffness of ceremonial as in Lord Hastings' time (1813-20) and obviously wanted to end it or at any rate mitigate its rigours.

### Mr. Amery's interview.

In his interview on October 17, the day on which Lord Wavell arrived in India, Mr. Amery repeated in his farewell address to the new Viceroy the charges against the Congress 'lest we forget' them, lest Wavell forget them. In doing so, he amplified them in a sense and held "Congress responsible far and through, for the Congress Party had always opposed the Federal part of the scheme; and (2) the hesitations of the Princes were increased by its action in fomenting trouble in Indian States; (3) Muslims who had hitherto been favourable on the whole to the Federal Plan, were in the meantime brought into vigorous opposition to it by their experience of the totalitarian methods of the Congress Party in the autonomous provinces." Mr. Amery added that it was the fear that the Congress Ministers in the Centre would act, not as responsible ministers to the Legislature but in accordance with the orders of the Congress Working Committee and Gandhi, that turned both the Muslim League and the Princes against the Federal scheme of the 1935 Act. These hackneyed charges need not be once again answered.

For the rest, Mr. Amery revealed for the first time that "no doubt such an agreement is made more difficult when the leaders of the most important political party are under detention and prevented from negotiating with other parties." "But" he added, "Lord Linlithgow has rightly held that men who are prepared to instigate open rebellion in time of war cannot have it both ways." Then he laid down what was obviously a common decision between Lord Linlithgow and himself namely :

> "They must disavow that course of action before they can be regarded as qualified to resume any part in the constitutional shaping of India's future."

Then he speculated a bit about the future and said :—

> "Whether with the progress of our arms outside India the internal situation in India may so develop as to persuade Indian leaders of the desirability of coming together and making those mutual concessions and compromises upon which alone a stable full self-government can be based, remains to be seen. There can be no doubt that any such advance in the Indian political opinion would be met with a sympathetic and encouraging response from the Viceroy, from India generally and from His Majesty's Government."

From the context it was clear that by "leaders" he meant so far as Congress was concerned, not those who were outside, but those who were under detention; and how they could effect compromises with the leaders of other communities unless released remained a riddle for the new Viceroy to solve.

In effect, however, this farewell address of the Secretary of State to Lord Wavell was an Instrument of Instructions to him—apart from the one embodied in the Statute of 1935,—exhorting him to beware of the Congress and to sit tight over his "Viceregal authority" until Gandhi and his

colleagues, became penitent in sack cloth and ashes and withdrew their August Resolution of Bombay.

In this connection, the Rt. Hon. V. S. Shastri addressed three open letters to the three men of the times—Mr. Amery, Lord Wavell and Gandhi. They were written with his pen dipped in his own blood. They poured forth his soul and besought the three men of Destiny to exercise their powers and opportunities to the glorification of the Commonwealth and of India. Shastri warned Mr. Amery to remember the Treaty of Versailles and the humiliation to which the Allies had subjected Germany and the consequences born since out of that policy of vengeance and vendetta. He advised Lord Wavell to reject Mr. Amery's parting advice and take early steps to resolve the deadlock. He besought Gandhi not to adhere to the principle of ' one plan and policy ' but follow Hanuman's counsel in favour of changing both with the times :—

> " No single plan is adequate to achieve even a small aim. Only he can succeed in his purpose who adopts different plans in different circumstances."

With the advent of Lord Wavell to the Viceroyalty, there came a spate of suggestions and a volley of exhortations as to what he should include, and what he should not in his immediate programme. Sir Frederick James, in rightly commending the Food situation as His Excellency's first task, proved faithful to his masters. The European Association was the body in addressing whom in Bangalore (October 23) he uttered these profound words of warning :

> " The arrival of the new Viceroy had already aroused speculation about new political moves, but if Lord Wavell could ensure the country's food supply, it would be more important for India and the Allied cause than any political move."

As against one crow that cawed against the resolution of the deadlock there were a number of cuckoos that cooed into the Viceroy's ears soothing words of conciliation,—peace on earth and goodwill amongst fellowmen. There was much truth in the observation made by the Reverend Clyde B. Stutz, Methodist Superintendent of the Lahore District, claiming that Christian philosophy was partly responsible for " compelling India's people to revolt against the inequitable civilization" He further upheld the right of the Indian people to take their place among the nations of the New World. To men like Lord Halifax who are never tired of stating that the British were trustees for India and others like Devonshire and Cranborne who swear that it was never their object to establish an Empire in India, but that the Empire became an unpremeditated historical necessity, the following excerpt from the columns of the *New Statesman* of June 12, 1943 should be of profound interest :

> " Regarding Lord Elton's denial of the English having any idea of conquest when they went to India mentioned by " critic " in your issue of May 29, Lord Elton made the same statement in an article in the *Daily Sketch* on which I sent the editor of that paper the following quotation from a communication sent by the Directors of the East India Company to their agents in Madras in 1687. The agents were instructed to establish such a policy of civil and military power and create such a large revenue, to maintain both at that place, as may be the foundation of a large well-grounded, sure English dominion in India *for all time to come.* The quotation was from K. S. Shelvanker's book *The Problem of India.*

## The Ministry of Lord Wavell

Few people are impressed in life with the advice that is offered unsolicited or by way of convention and courtesy and Lord Wavell could be no exception. He must have had his own convictions and propensities, his own sense of duty and his aptitude. If, therefore, his thoughts turned to Bengal and starvation, that was the most natural direction that should have attracted them. Lord Wavell in his message to the Health Survey and Development Committee which began its sittings on the 26th October (1943) emphasised the problems of slums and rehousing their occupants, water supply and sanitary conditions, Malaria and indigenous insecticides and wider use of mosquito nets and wires, more school clinics and more qualified medical men, rural doctors and nursing services, homegrown drugs and research organizations.

The Viceroy was thus giving to the public an inkling into the second of the three objectives he had kept in mind while sailing for India. One other act of equal urgency and serviceability was the opening of the Viceroy's Distress Relief Fund to deal with the distribution of money received for the relief of distress in Bengal. In England, the Secretary of State, the Lord Mayor of London and the High Commissioner for India had issued an appeal for funds to be passed on to the Viceroy for the hell of Bengal. The Ceylon Government had donated and sent to the Viceroy a sum of 27 lakhs of rupees. The next piece of real goodness was that of a quiet and unadvertised visit to Calcutta by Lord Wavell on 24th October. Apart from results, the visit was in itself an event of which there was appreciation all round—notably by the prisoners in jails who were helpless spectators from behind the bars of a scene of desolation and destitution which the previous Viceroy had, in spite of his direct responsibility as head of an administration immersed in war, which was the obvious cause of the Bengal Famine, viewed with a callousness and inhumanity little expected of the average man. The Viceroy asked the Commander-in-Chief to make the resources of the army available to the maximum possible extent in the districts worst affected, particularly for the movement of foodgrains, provision of temporary shelters for relief operations and establishment of relief stores. This statement was made at a press conference on October 28, at which plans for immediate execution were revealed.

The Governor's Conference with the Viceroy was a notable feature in Lord Wavell's regime. During the previous decade it had been steadily becoming customary to summon the Governors to the Viceroy's palace for consultations—more especially when repressive policies had to be embarked upon or relaxed. But the Governors were meeting the Viceroy in two's, and three's. This Conference in November 1943 was, however, unique in that all the eleven Governors were present at the same time in Delhi and three such Conferences took place in less than 20 months. On this occasion, care was taken to mention, in announcing the event, that no Executive decisions were taken and that the consultations related to the Food situation. Did the Governors know all about the Food situation so intimately that they could assist at serious Conferences with the Viceroy without either their Food Members, (or ministers) Secretaries and special Regional Commissioners? It looked as though the explanation of the purpose weakened itself by the very detailed character it was couched in.

The Viceroy soon began to complete his study of the political and economic situation in the Provinces which he began with the Governors' Conference by himself going to provincial capitals; and Lahore, if we might except Calcutta which had already been visited was the first provincial metropolis to be so visited. A question was asked in Parliament what issues

were discussed at the Governors' Conference and whether that of releasing political prisoners was one of those discussed. Mr. Amery replied that the Food question and the question of Post-War Reconstruction were the main questions discussed and that certain Executive decisions were taken at the Conference and that the answer to the last enquiry was in the negative. Of course it was in the negative. And to a further question whether he would consider the question of releasing the political prisoners in India in view of the excellent recent example (the reference was to the release of the President and Ministers in Lebanon), Mr. Amery replied that there was no connection between the two. It was no wonder that to Mr. Amery's mind there appeared no connection. Perhaps it was true for in Lebanon they did not worry about non-violence. The President's room was barricaded with sandbags and the Senegalian troops had considerable difficulty in reaching it. The Lebanese, moreover, were well armed and equipped for a violent fight with the Free French troops and took their stand behind the hills wherefrom they were ready to fling their sallies in full force. Otherwise the connection between India and Lebanon was patent to the man in the street, though not to the sophisticated politicians of Imperial Britain. In both countries there was a clash between popular will and alien imperialism. In Lebanon, however, the British could play the part of the mediator but here in India, they were a party and, it is well-known that when 'self is in, sense is out.'

The Viceroy's tour to Provincial capitals in the cold whether left ample time for schemes to solve the deadlock to be aired freely. The resolution in the Legislature in this behalf was of interest because of the intriguing character of the position of supporting it, taken up by Mr. Hussain Imam apparently with the previous assent of League leaders. The non-possumous attitude of Government pleased nobody. And the League could not derive solace from the negative satisfaction that the Congress demand remained imbedded in the debris of political ruins. Even the political iconoclast would sometimes like to rake up the ruins in search of a marble here or a gateway there. And this is what happened in the Upper House. Nor did Government flourish the big stick, repeating their slogan of "withdrawals" and "promises" and "guarantees" or even of the indication of a complete change of policy.

It was not the Congress-minded Press alone that grew impatient over the Viceroy's calculated evasion of any commitments on the political issue. Dar-ul-Saleem in his weekly notes in the columns of the *Statesman* grew in the 1st week of December irate that nothing was being done in the matter of the deadlock and dealing with the reports that two more seats in the Viceroy's Executive Council would be thrown open to Indians shortly, he stated that that would only set further seal on the deadlock and not solve it. While appreciating the good work done by the Viceroy in giving his first attention to the Food problem of Bengal and securing better transport, better supplies and better manpower for its mobilization, the writer proceeded to state that "man does not live by food alone. India's intelligentsia has long been starving for other things." Well might one have asked "Is saul also amongst the prophets?"

On the position of the Muslim League itself, the writer had some very interesting observations:

"In these circumstances the Muslim League's position grows most difficult. During the interregnum between its Council sessions large elements in it notably the younger leaders, grow restive and cast about for ways of getting a move on in some direction or other. They come determined to press their views and even force the hands of the High Command. But every time they

come up against the cold logic of facts, of which none else is a more masterful exponent than the Qaid-e-Azam. In the result, the League suffers from the reflected stagnation of the Congress. It is all a pretty bad mess, and for this Mr. Gandhi alone is responsible."—*Statesman* (December 7).

The Viceroy, it is true, lost no time in convening a Conference of the Governors, but nothing tangible came out of it. Public opinion began to grow restless that after all the Viceroy's handbag did not contain much that was of immediate interest to the Nation's political ideal. Food for Bengal was a bare performance of a duty long overdue and sadly neglected. Visits to Military Units and aerodromes or Training Schools were more in the nature of the duties of the Commander-in-Chief than of the Viceroy. That Lord Wavell should have preferred the Field-Marshall's uniform in the Punjab to the morning grey or the evening black suits only proved this the more.

One feature of Lord Wavell's public conduct was, however, noticeable. He went out of the way and gave a tea party to the members of the Standing Committee of the A. I. N. E. C. It was obviously intended as a gesture of goodwill towards the Press. The Viceroy was reported to have stated to one of the members that he had been "inundated with advice both at Home and here and that he would like to have a little more time to sort out ideas for himself before disclosing his mind."

## The Muslim League

Once again the Working Committee and the Council of the League met in Delhi, November 1943. This time there were none of the challenges and denunciations that had characterized the proceedings of the full session in preceding month of April. There was quiet and serious attention given to the task of consolidation of the gains in the previous 12 months. Five Ministries it was said were of the League Branch. The five Premiers were summoned for a Conference with the President and the Working Committee of the League. The public did not know what social, economic and political reforms were planned for the five provinces. But it could be readily guessed that party consolidation should have received the closest consideration. The League which had decried the Congress, developed by this time into an imitation of the Congress. Its Central Executive was dubbed by the Press and Anglo-India as the High Command—a title which the Congress resented but which the League apparently did not discountenance. All the League-manned provinces, it was suggested, should conform to one policy, one programme and one command. Mr. Jinnah himself was compared to Gandhi by the *Statesman* and a contrast was drawn in favour of the former by showing up the difference between the direct strategy of Mr. Jinnah against the oblique influence of Gandhi. The accumulation of authority in a central spot was at the same time deprecated by these benevolent critics.

The fact was that the conditions admitted of but little comparison between the two organizations. The Congress membership was open to all, that of the League was a close preserve for members of one religious community. The Congress declared membership of the Executive of the communal organisations as a disqualification for a similar position in the Congress. The banning of the membership of the Khaksar organisation, however, could bear no similarity with the banning of the League members from the Executive of the Congress. The League, Muslim as it was, chose to exclude certain Muslims themselves on grounds not intelligible either from a national or even from a communal view point. It was merely a question of leadership,

Mr. Jinnah *versus* the Allamah. The attack on Jinnah by a Khaksar, could not be traced to any central source or beyond the freak of an excitable and quick-tempered individual. It was, however, loudly protested that the attack had nothing to do with the decision.

Then again in relation to the formation of ministries in the five provinces of the Punjab, Sind, North West Frontier, Bengal and Assam, it must be pointed out that not in one case did the League enjoy a majority of original Leaguers in the Legislatures. In the Punjab, it was a coalition ministry in regard to which Mr. Jinnah proclaimed that by the death of Sir Sikander, and the accession of Col. Khizar Hyat Khan to the Premiership, the Jinnah-Sikandar Pact became dead as a dodo, while the ministerial party in the Punjab composed of Hindus, Muslims and Sikhs was equally loud in its declaration that the Pact was very much alive and operative, that it was binding on the Ministry in all matters other than all-India affairs where the League cult would be overriding. In Sind, the accession of "League Premier" to power was not even nominally correct. Sir Hidayatullah was one who had ceased to be a member of the League and who at the time of his accession to Premiership was not only not a member of the League, but was one who had come under its disciplinary ire. But more than even this was the fact that the vacancy he filled up a second time was created by the dismissal of the late Allah Baksh for the high misdemeanour of surrendering his title to Government and proving his patriotism. Equally lamentable were the circumstances under which Mr. Fazl-ul-Huq was dismissed by the late Sir George Herbert, Governor of Bengal, while the latter was on his sick bed. Mr. Amery could not face the fusillade of questions in the Commons on the subject and by his silence admitted the charge of dismissal and that it was not the democratic form of resignation of a Premier they had in Bengal. The confidence reposed in the Governor was abused. Nor was there a majority when the new ministry took office. But people gather round power and nothing succeeds like success.

In North West Frontier, the story was equally sad. With ten Congress members in jail, a League Ministry was formed and elections in respect of the places that fell vacant by death or imprisonment were delayed suitably to the ministry needs and with all the manoeuvring the Ministry lacked a majority over the full Council. But the Congress M.L.A.s would not be released although 1200 detenus and security prisoners were and when they were, the Aurangzeb Ministry resigned and Congress took office once again.

The fifth province was Assam where the Interim Premier of the Interim Ministry (Sir Saadulla Khan) (March to July, 1937) happened to become the premier after Section 93 had been applied and lifted. All the five ministries owed their stability or formation to the benevolent influence of the British Government who conceived the formidable idea of breaking the political deadlock in all the provinces by constituting Ministries during the war period, thus breaking once for all the Congress. Beyond, however, these five provinces, their manoeuvres did not succeed.*

Mr. Jinnah had some home-truths to tell the British Government. He did not relish the thesis on Geographical unity delivered by Lord Linlithgow in Calcutta in December 1942 or that on Federal Government for India in his valedictory address delivered before the Princes' Chamber in October, 1943. Mr. Jinnah mildly criticized the British for their unwillingness to part with power, and at its worst, it was the gentle protest of an elderly son anxious to succeed the aged Father who would not, however, die or part with power.

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* For a detailed study of these ministries, see chapter on Ministries.

That there was growing unrest in the Muslim circles at the complete neglect—yea, the cold storage—to which the political problem in India was consigned by the new Viceroy, was evident from the attitude of many members of the Council and the Working Committee of the League, from the writings of journalists and the conduct of not a few M.L.A.s That was not all. There began to appear signs of real national awakening and a sense of deep social responsibility coupled with a feeling of profound regret that the Muslim Organization was as yet considerably wanting in those attributes and activities which made for real nationalism—aspects so prominently noticeable in bodies like the Rama Krishna Mission in the Bengal Famine.

At this time (November 5, 1943), the House of Lords was startled by a Peer on his own initiative introducing a Bill to apply the Statute of Westminster to India. The Peer was Lord Strabolgi, who sought leave to introduce the Bill and formally moved that it should be read the first time.

Viscount Cranborne, Dominion Secretary, on behalf of the Government, opposed the first reading. He said it was unusual to oppose the first reading of a bill, but if there were any Act which it was peculiarly unsuitable for a Peer individually to seek to introduce, it was one which would affect such a statute as the Statute of Westminster. A Bill to affect that Statute could only be introduced after consultation with the Dominions and could best be done by the Government. Lord Strabolgi could scarcely have had the necessary consultation with the Dominions. To seek to amend the Statute of Westminster without such consultation would be similar to one of a group of partners trying to bring in another partner on his own without consultation with his partners. " I cannot conceive how Lord Strabolgi should have chosen this eccentric method of ventilating this subject," said Viscount Cranborne. " I feel certain the House would not wish to let this measure go any farther."

Nor was it allowed to go any further by the House.

The Statute of Westminster was passed in 1931 to give effect to certain resolutions passed at the Imperial Conferences held in 1926 and 1930 ; in the Statute the parties were the British Parliament on the one hand and Canada, Australia, New Zealand, South Africa, the Irish Free State and Newfoundland (called the Dominions) on the other hand. It was really in the nature of a Treaty between England and each of the above Dominions and instead of there being six separate Statutes, there was one in which all the Dominions joined, in no sense did any of the Dominions enter into any relation with each other under the Statute of Westminster. None of them entered into any obligation or connection with the others. The Bill was then negatived in the Lords.

In reviewing this wholly unexpected and highly interesting incident, one is struck more by the side-lights thrown on the political situation than the conclusion of the comic incident. For one thing the rosy view of Lord Strabolgi (formerly Commander Kennyworthy) that Government themselves would introduce the Bill was justified neither by the language employed by Lord Cranborne nor by the punitive and pugnacious attitude adopted by him. But when the noble Lord stated that the partners should be consulted before a new partner could be taken into the partnership, we feel we must take-up cudgels. We ask whether when South Africa was taken into the British Empire, such consultations were held or when Cripps made his offer to India. This idea of Lord Cranborne's is a clear after-thought. Take the past statements of Commander Wedgewood Benn as Secretary of State in the Labour Government (1931), that India was enjoying Dominion Status in action. Or take the association of high placed Indians, as signatories to the Treaty of Versailles as members of the Imperial Conference in 1926.

And how were the Dominions defined in 1926? They were defined as "Autonomous Units, within the Commonwealth of Nations called the British Empire bound together by ties of common loyalty to the King and in no way subordinate to each other in internal affairs." If so, how would the question of mutual consent to partnership arise? The only common tie is loyalty to the Throne. That does not require consultation. Nor was India agreeable to tender that loyalty. Lord Cranborne overacted his part for the truth was that Britain did not mean serious business.

It is interesting to note in this connection how High Commissioners and Agents General were being appointed to countries the world over on behalf of India. While Lord Cranborne was combating Lord Strabolgi's attempt to declare India an additional Dominion, changes were being effected by which contacts between India and the Dominions, India and the Colonies and India and foreign nations were being established or strengthened. For some time past during the War, India had an Agent General and a High Commissioner, two officers, in U.S.A. That really followed the long-standing Agent Generalship on behalf of India in South Africa. Following the U.S.A. contact came the appointment of Mr. M. S. Aney to Ceylon as a complement to Ceylon's representation in India as Agent and of Mr. Menon to China as High Commissioner. These were closely followed in the autumn of 1943 by the announcement of the appointment of High Commissioner for Australia in Delhi and on November 13, 1943 the Canadian Government intimated their decision to send a High Commissioner for Canada in Delhi. And India was soon to reciprocate, for it was announced in this series that India's High Commissioner would be appointed to Australia (November 1943) and Sir R. P. Paranjpye was since sent there. While these developments indicated closer contacts between India and the Dominions, the Dominions were anxious to take part in the Imperial affairs.

In the meantime, Sir James Grigg hastened to Oxford to air his views on India where he had spent five years ending 1939 as Finance Member of the Viceroy's Executive Council. The object was obviously to combat the growing opinion in America in favour of India for Sir James Grigg himself said "of course there is a great deal of misunderstanding and ignorance on the subject of India. For example, in the U.S.A., it is widely imagined that the Indian National Congress is a representative Legislature, rather like their own Congress. In this country Mr. Gandhi is widely regarded as a saint." Whether there is any misunderstanding in U.S.A. about the Indian Congress or not, there is an obvious misrepresentation in Sir James Grigg's statement, for if the Americans thought that the Indian National Congress was a representative *Legislature* like their own Congress, then there would be no more of a political problem in India than there is in America. The fact was that Sir James Grigg and his colleagues were upset by the growing public opinion in America regarding British reluctance to part with power in India and that was why Sir James Grigg was diverted from his war office burdens to share India's burden as well at Oxford. Sir James' speech need not be combated seriously. He merely quoted the figures of Churchill to discredit the Congress and repeated the goody goody nonsense of Mr. Amery and Professor Coupland when he referred to Congress totalitarianism—charges which have been dealt with in connection with Mr. Churchill's statement in the Commons in September 1942, and Mr. Amery's ever-recurring speeches in Parliament and Coupland's recent publications. Sir James' performance was but in consonance with the description of his birth and breeding and his coming of age as described by Quinten Hogg in the Commons. "Sir James Grigg," he said "was born and brought up in a pigeonhole, trained in red tape and

came of age in the war office," and well might Quinten Hogg add, " attained salvation in Oxford."

## Mr. Amery

As weeks passed—only weeks, not months, since Lord Wavell arrived in India, events began to crowd the history of the " Empire". For a few days, there had been rumours of changes in the British Cabinet and Amery's name was one of the three mentioned, the other two being those of Sir James Grigg and Lord Simon. People quoted against Mr. L. S. Amery what Cromwell said once to the Long Parliament and what was later said to Chamberlain Government by Mr. Amery himself : " You have sat too long here for any good you have been doing. Depart I say and let us have done with you. In the name of God, Go." Amongst the notorious untruths stated by Mr. Amery in the Commons,—not indeed in answers given on the spur of the moment, nor in random interviews forced from him by irrepressible Press correspondents, but in a well considered reply to a question on the floor of the Lower House, was the astounding statement that India produced her own quinine and that there was no deficit of supply for her needs. Answering a question in the House of Commons in December (1943) why shipping space was used to consign a cargo of whisky to Bombay when it was not found possible to send badly needed supplies of quinine, Mr. Amery said : " The ban which had been previously maintained on shipment of spirits to India was lifted in September. This has certainly not been at the expense of quinine. Quinine is produced in India and supplies there are adequate." Fancy statement coming at a time when thousands, yea, lakhs of people were dying of malaria for want of quinine and when supplies were being arranged by aeroplanes from abroad. The fact was that the total annual production of quinine in India was 80,000 lbs. While India's annual consumption was about 200,000 lbs. It was true that at the time, consumption was rationed to 75% but rationing of quinine would only produce more malaria and on the one hand the same platitudes, the same slogans and the same shibboleths on the other. Mr. Amery managed in the end to irritate his own Constituency to the point of being called upon to resign his office. He invoked the ire of all shades of papers which demanded his head on a charger over the Bengal Food debate. His half-truths and untruths on abstract matters relating to Indian politics did not betray him so much as his palpable falsehoods on the mortality figures of Bengal from starvation, on over-all food supply, on the causes of distress, on the remedies to the situation, on the responsibility for the tragedy. He lent cover to his protege Lord Linlithgow in his gross neglect of duty and callous disregard of obvious facts. The two acted together as Dr. Thurston and Dr. Copperas in the Mysteries of the Court of London, for years together. But as Abraham Lincoln put it, no man can deceive all men for all time. And when the hour of reckoning came, Mr. Amery betrayed himself into the hands of his fellow members of the Commons, his own voters and above all, of the Press in Britain. Fortunately, his years had come to his aid. In 1836, there was a great famine in the newly created province of Agra in which 800,000 people died and about which Kaye wrote :

> " A *famine* in India is an evil beyond the reach of human statesmanship to remedy or greatly to alleviate."

Apparently a hundred and seven years later, Mr. Amery too has repeated the same cruel sentiment. "To interfere with such acts of God," says Edward Thompson, was almost a minor impiety. Yet Metcalfe was troubled by the

misery that ravaged his territory though he knew how little could be effected by human agency to diminish the horrors of such a devastation." Not so Lord Auckland who "gave not only from his own resources but instituted an enquiry which started the slow beginning of the Indian Government's Famine Policy. The indictment against Mr. Amery would be a long and disgusting one. The pusillanimity he had displayed on the Food question went on growing in force and volume from the beginning of the year (1943). The "no over-all shortage of food" was contradicted by the King's speech itself which referred to "acute shortage of food in certain parts of India." The hoarding was discovered to be a mare's nest by the Bengal Ministry which had for some time been content to repeat its master's voice, earlier re-echoed by the then Food Member Sir Aziz-ul-Huq and later by his successor Sir Srivastava. The 'maldistribution' proved to be the pivotal point of this man-made famine and required a change of Viceroyalty,—a Wavell to undo the patent mischief of an obvious drawback. Mr. Amery was taken by surprise when shrewd men drew his attention to the impending famine months before its actual outbreak. When on the 17th October (1943) Mr. Sorensen drew his attention to the outbreak of cholera and the provision of medicines and drugs, he had the hardihood to say that it was not necessary. Mr. Amery lent ear neither to the uproar about famine nor to the outcry against pestilence. Like the monomaniac of suspicion, he had but one thought—one suspicion eternally haunting his mind and that was that the parties in India were not united. This monomania excluded every other thought from his mind. There in England, he was surrounded by a dozen nincompoops whose business was to nod assent to his doubts and difficulties. Here in India, he had eleven second fiddlers who out-sang his tunes, out-beat his drums and out-sounded his cymbals. There was a demand all-round that Amery must go but it was not easy to out-Amery Mr. Leopold S. Amery. This septugenarian made the world feel that his predecessor Lord Zetland was better than himself. Who knew whether a Lord Cranborne or an Oliver Stanley, coming from the Dominion or the Colonial office might not make Leopold the better of the two if the Conservatives came to power in the elections. Luckily this was averted. India's problem was however not whether Mr. Amery must go but whether Britain must not go—go from the throne of power and rulership.

It were better for Mr. Amery to keep mum on Indian affairs, rather than involve God in his own misdeeds. Lord Linlithgow set an excellent example which his master would do well to follow. The former had kept his lips sealed for months before he bade goodbye to India. How dare Amery be blasphemous and hold the poor God of Israel responsible for the follies of Aaron and Moses? Did not the British know, when they separated Burma from India that there would be an over-all shortage of rice in India herself? Was it God that inspired the Governor of Bombay to pursue the denial policy in regard to boats? Did God send His agents to buy up food-grains from the affected districts of Bengal to the detriment of the people's needs? Did God maintain a financial portfolio which would recklessly indulge in inflation and raising of prices? Was God an Imperialist divine that was sedulously reluctant to promote India's industries and develop India's transport on land and by sea?

Now that Amery admitted the existence of God, the Lord of the Hosts, the controller of Famines and pestilences, would not the same God hold to account Mr. Amery and Lord Linlithgow for rendering wrong advice to His Divine Holiness in the governance of this world?

While the Viceroy remained mute on the political issue, the steady pressure that was being exerted from all sides for solving the deadlock in

India could not altogether be ignored in Britain—not that any mighty response was forthcoming but that the actual fact of appeals and protests, suggestions and challenges, arguments and conclusions, demanded an answer from Mr. Amery in the middle of December (1943). The King's speech proroguing the Parliament, delivered on the 28th November (1943) came as a deep disappointment—not so much to public men in India as to some radicals in the Commons and Mr. Sloane (Labour Member) and Sir Stanley Reed tabled amendments regretting that there was no reference to the political problem of India in the speech from the throne.

To these and other criticisms, Mr. Amery thought it necessary to give a considered reply. But no amount of consideration would alter his innate character and temperament. Prevarication became his second nature. Denial forthright and unabashed, become his incurable habit. "The Bengal Famine was due primarily to an act of God," said he at the very outset. It was luckily that he saw the wisdom of bracketing God with the hoarders and the peasants that ate too much.

Hitherto we thought it was only Sir Saadullah Khan, Premier of Assam who held man's '*nasib*' (whose concrete form is Amery's 'God.')—as responsible for the famine in India. Mr. Amery condescendingly agreed that Provincial Autonomy—mark you, " as wide as those of State Governments in the United States—would by no means be altered, and was being carried on despite difficulties caused by the war situation." These were like the teething troubles of a child—fever, vomiting, diarrhoea and convulsions and occasionally death. They must be faced and survived wherever possible. It was a pity that India could not see from near what Mr. Amery could see from afar—namely that towards the end of 1942, famine was foreseen and warded off and that " the cause of famine in Bengal was the failure of the local rice crop due to a blight which unfortunately was discovered tardily through unforeseeable technical reasonss " one wonders what it was that could not be foreseen—the failure of the rice crop or the blight ? Political and Industrial organisations all over Britain were passing resolutions criticising Mr. Amery's India policy—especially his handling of the famine situation. The latest resolutions of demand of his immediate removal from office were from Manchester City Labour Party, Amalgamated Engineers' Union, Geenford, Area number one Committee of Transport General Workers, Burnley Branch of National Union Municipal Workers Saint Albans Branch of Amalgamated Union of Building Trade workers and Cayston Branch of Lanark Mine Workers Union. At a public meeting under the auspices of the Birmingham Conservative Union, Mr. Amery was heckled and hooted and only the presence of the police saved what might easily have proved to be a serious disturbance. Mr. Amery was not allowed to proceed with his address. He prayed for a few minutes more but his prayer, importunate as it was, went unheeded and the meeting ended in a fiasco. The Executive Committee of the Transport and General Workers Unions, the largest trade union in the world, had brought the question to a head by its unanimous demand for the resignation of Mr. Amery.

The first six months of Lord Wavell's regime, were months of trial to the public as much as to himself. Day by day, public opinion was getting more and more vociferous because he had not taken any political steps to ease the situation. While C. R. was asking that the Cripps' Offer should be re-examined and Mr. N. R. Sirkar prescribed a new technique for the Congress on the basis of 'back to Cripps', the Rt. Hon'ble Srinivasa Shastri was making eloquent speeches in favour of India's recognition as a Dominion

and almost simultaneously came the clarion call of a Chinese official to the Western powers from New York December 11, 1940.

Mr. C. L. Hsia of the Chinese Ministry of Information addressing scientists at the Nobel anniversary dinner warned that the western peoples "must take the peoples of Asia seriously in their striving for freedom. Peoples throughout Asia articulate and inarticulate, are anxiously watching to see whether the leaders in the older democracies mean what they say".

"The Asia of to-morrow has two dominant notes," he said. "The first is the universal and intense desire to be free. To them this is a war of liberation. Once kindled, that desire will not be quenched. Secondly, the Asia of to-morrow will be progressive, dynamic and full of interesting possibilities. When our destiny is in our own hands, we are determined to stamp out poverty, ignorance and oppression."

In England, the Labour Party was not idle. A London message (December 16) stated that there had been "a good deal of action" following the pledge given at the Party Conference by Mr. Arthur Greenwood that the India issue would be given fresh consideration by the National Executive of the Party.

The customary opportunities for the Viceregal pronouncements at the Associated Chamber of Commerce in Calcutta on the eve of the Christmas, and at the Legislature, gave encouragement to the Indian politicians for making suggestions on the political plane of a varied character.

There was a report in the Press (British) that Chiang-Kai-Shek had addressed two letters from Chungking to Gandhi and Jawaharlal Nehru to co-operate in the war in the subjugation of Japan. Those who knew the Generalissimo knew too that the appeal would not be to one party alone. Nor did his farewell message given in February 1942, *i.e.* twenty-two months earlier, a unilateral appeal. It was addressed as much to the British Government as to the Indian people,—to the latter to line themselves up with the United Nations in their fight for world freedom and to the former to give the Indian people—without waiting for any demands from them, real political power so that they might be in a position further to develop their spiritual and moral strength. The Generalissimo's appeal did not reach the "Unknown Fortress" where the Working Committee was confined, nor did it reach the Aga Khan's palace. It was not surprising either that the mission could not be sent especially if it was bi-pronged in its thrust, for the British gave fetters instead of freedom to Gandhi and his colleagues. A second Christmas and a second new year closed in upon the dark and dingy prison cells in which the Indian national soldiers of freedom found themselves confined.

Even as the Press was ringing with the news of the Generalissimo's epistles, the Viceroy after a short tour in Orissa and Assam, visited Calcutta and performed the time-honoured function of addressing the Annual meeting of the Associated Chambers of Commerce on the 20th December. His Excellency said :

> "I have said nothing of the constitutional or political problems of India, not because they are not constantly in my mind ; not because I have not the fullest sympathy with the aspirations of India towards self-government ; not because I consider political progress impossible during the course of the war—any more than I believe that the end of the war will by itself provide an immediate solution of the deadlock—but because I do not believe that I can make their solution any easier by talking about them just at present. For the time I must concentrate on the job of work we have to do. The winning of the war, the organisation of the economic home front and the preparations for peace call for the

use of all the resources India has in determination, energy, and intelligence.

"I welcome co-operation from anyone and anybody who can assist me in these great problems on which the future of India depends. While I do not believe that political differences can be solved by administrative action, I believe that if we can co-operate now in the achievement of the great administrative aims which should be common to all parties when the country is in peril, we shall do much to produce conditions in which the solution of the political deadlock will be possible. As head of the Government—and an old and sincere friend of India—I will do my best during my term of office to guide India on her path to a better future. It is no easy path, there are no short-cuts. But I do believe in the future greatness that lies ahead if we can work together to the solution of our problems."

The speech roused opposite criticisms from the Indian press and the Indian public as all such speeches do. It was not clear what the Viceroy meant when he said that he did not believe that he could make the solution of the political problems "any easier by talking about them just at present." Some emphasised the "taking", others "just at present". Was it the time that was considered in-opportune or was it the approach that was feared to be incorrect? If "talking" was inappropriate, the deeds were to be awaited. If the "present time" was inopportune, the future was to be awaited. And the nation was kept in suspense till the 15th February in the New Year (1944) when the Viceroy was to address the Central Legislature in Delhi, a more appropriate place for airing political plans than a commercial forum in Calcutta. The Viceroy concluded the political section of his speech with the expression of the hope that if there could be co-operation in the achievement of the great administrative aims, we would do much to produce conditions in which the solution of the political deadlock would be possible. It was not clear whose co-operation he was thinking of. He did not ask for this co-operation but merely said it would be welcomed. From what quarter it should emanate, he would not explain. If it was from the Congress, the Congress that was behind the bars could not offer it nor negotiate it. If it was the Muslim League, he was having it in fact though it was denied in word. If it was from non-Congress circles, he already had eleven colleagues selected from all and sundry, Congress renegades, anti-Congressmen, Harijan reactionaries, Communal leaders such as of the Sikhs, Industrialists, members of the defunct or effete Justice Party and Mussalmans who had changed colours and had one foot in the League and one foot away from it. Obviously the Viceroy was not satisfied with this hotchpotch of co-operation. He was looking for co-operation from the true representatives of the people and could hardly expect it, for it could not be forthcoming so long as the deadlock remained. It was evident then that a vicious circle was formed. Co-operation was the key with which to open the deadlock. Unless the deadlock was broken or opened, co-operation would not be forthcoming. Lord Wavell undertook to find the bridge and fix the road that would lead to it. Without doing either, to speak of co-operation was premature. It was at least good that he did not ask for it for he knew apparently that he could not unless he showed the road and the bridge along which those who might be intent on and agreeable to co-operation might conveniently travel.

The month of February 1944 was well-nigh on. The Viceroy was to address the Central Legislature and every one expected and, perhaps rightly, that his address would be a weighty pronouncement on the political situation.

The situation consisted in and covered the Deadlock and had he not said in Calcutta in December 1943, that " talking on the situation just at present would not make the solution any easier ? " It was quite possible that Mr. Amery and Company had furnished him a ready-made solution to be unfolded in their own time according to their own measurements of stages and degrees. But Anglo-India (retired) was clearly agitated over the coming developments. " Who knows what Wavell may have in his capacious mental handbag" ? They apprehended its possible fulness as much as India had been apprehending its possible emptiness ! The powerful elements in Britain were obviously being hard put to it to discover methods of undoing any progressive measures bearing within them the seed of automatic upgrowth and development. They were exercising their fertile imagination and exploring their resourceful brains to plan out a new type of political organization which would preserve and perpetuate the Empire, add to its strength and stability and consolidate it in such a manner that real freedom for India could be easily sabotaged. Regions in addition to provinces was the fad of Professor Coupland and apart from any internal reorganization, regional grouping of oceanic areas was the fad of Lord Hailey while fixed Executives were the obsession of Mr. Amery.

If Sir Geoffrey de Montmorency had repeated certain goody goody stuff about the " sacred Imperial Trust", he could not be blamed by India, for the smaller fry lisps the words uttered by the bigger. Has not Mr. Churchill renamed the Empire, the British Empire and Commonwealth ? So there dwells Imperialism very much alive and kicking. And had not Lord Halifax spoken of India being a Trust ? In effect then, the ex-Governor of the Punjab had only made sacred the Imperialism of the Premier.

Whether Sir Geoffrey de Montmorency emphasized the absence of a party or combination of parties to which the British Government could hand over its powers, or whether Sir Henry Craik, Ex-Political Secretary to the Crown Representative and Ex-Governor of the Punjab, invoked the ghost of the Indian States, the scapegoat for Britain withholding freedom for India, or whether it was Lord Erskine (Ex-Governor of Madras) raising the communal differences as the guiding and regulating factor in the transfer of authority, all agreed that Britain must remain in India for many years as the functionary at the head of any form of Indian Government, armed with full powers to protect minorities and assume control in the event of a breakdown of the administration." In one word, Britain must be there for an inconceivable length of time to hold the ring so that the animals in the menagerie might not tear each other and destroy the whole circus. On the top of these ex-satraps and prancing pro-consuls, there spoke those subtle politicians working in the world of journalism and surreptitious statesmen holding sway over the Dominions of the British Empire and Commonwealth, men like Mr. O. S. Edward who writing in the columns of the *World Review* advocated that Britain should have a name and a local habitation as the ring master and select Delhi as a British enclave excluded from the authority of a " Free India " from which the Viceroy would continue to hold the balance *even* between the two cats—Hindustan and Pakistan and make himself responsible for India's external or *continental Defence*—Navy, Air force and the greater part of her Army. It was as a sheer piece of benevolence and humanity that he recommended such a step, for was it not plain that neither Hindustan nor Pakistan could afford two complete and self-sufficient systems of defence and the disposition of forces in and around India might well be the duty of an authority imparted between the two Dominions. And what did the Dominions themselves say on the subject ? The Premiers

of Australia and New Zealand—both from Labour, as irony would have it, " were not only agreed on the need for a more closely knit empire organisation within the ambit of which Regional Councils would function but also had their plans ready for assuming or reassuming mandates over large regions in the Pacific." It was from the time of Lionel Curtis in India in 1916-1917 that this gospel of Dominions taking equal part with the mother country in lording over the Colonies and the Dependencies had begun to be propagated until in the " year of our Lord", 1944, an Australian Mr. Richard Casey assumed the Governorship of Bengal and the Labour Premiers of Australia and New Zealand expressed themselves in favour of holding the babe in the Pacific.

It was not merely the colonial statesmen that were poking their noses into Indian affairs. An event of more frequent occurrences was the periodical outbursts of the retired Indian Bureaucrats and Governors of Provinces. Sir Henry Craick, a former Governor of the Punjab, drew attention to a remark attributed to Sir Stafford Cripps who was reported as having said to him :—

> " According to what the Princes told me, Sir Stafford Cripps caused considerable despondency and alarm by saying ' We are just about to quit India. We want to shuffle off all our responsibilities and in future, you, gentlemen, will have to deal with the Congress."

He, therefore, urged that the British must remain there to hold the ring. Lord Erskine, an Ex-Governor of Madras said :

> " For many years to come there would have to be some functionary at the head of each Indian Government with full powers to protect the minorities and to take control of affairs if a breakdown in the administration should occur."

While due publicity was thus given to reactionary pronouncements in the English Press, there was partial black-out in it about the economic affairs and the agrarian position in India. The American opinion, however, expressed itself clearly but it was expressed through books by certain impartial writers who perhaps carried not much influence in political circles.

As in every year in the past, so in the year 1944, the day of Independence had to be observed and after nearly 10 months' silence since her release on medical grounds on 21st March, 1943 from the Aga Khan's Palace, Mrs. Sarojini Naidu opened her lips and appeared in public on 7th January, 1944 and gave a fillip to the Independence Day celebrations of the year. As usual there were arrests all over the country on the Independence Day of 1944, though not so many as in the previous year. Nearly 60 persons including 17 women, one girl and one boy were arrested in Bombay for taking part in demonstrations connected with its observance. Similar incidents took place elsewhere.

The Independence Pledge had been varied from time to time. But though there was a change in language or emphasis, the solemn avowal of the nation to secure its emancipation and win its Independence, was there shining for the rest of the year like a beacon light that points the way to the heaven to all the struggling ships sailing in the dark, in the midst of tempestuous winds and rocks and icebergs. Whether the Working Committee was there or not in flesh and blood to ennerve and encourage the nation to the observance of this annual sacrament, the rank and file all these years had held aloft the flag and avowed the declaration in public wherever that was permitted or in the sacredness of the home which no writ of Law, no ukase of a despot, no will of a tyrant could penetrate. The Bureaucracy with its wonted cussedness did taboo the ceremony in the provinces of Madras and Bombay, in Delhi, Assam, Bihar and C. P. but the

rare honour of prohibiting it everywhere was reserved for the province of Sind where a popular Ministry was supposed to be holding the reins of Government. The Sind Government issued the following order to the public :

> " Any recital of the pledge or any publication of the pledge or of appeals to celebrate Independence Day would be an offence under the Criminal Law Amendment Act and any one offending in this way will be prosecuted."

Then the following order was passed by the Punjab Government against Mrs. Sarojini Naidu as she arrived at the Lahore station on January 26 :—

"In exercise of the powers conferred by sub-section (1) of Section 3 of the Restriction and Detention Ordinance, 1944, the Governor of the Punjab is pleased to direct that the said Mrs. Sarojini Naidu—

(1) shall not, without the permission previously obtained in writing from the District Magistrate, Lahore, join or take part in any procession or meeting of five or more persons other than a purely religious procession or meeting ; (*ii*) shall not make any speeches in public ; (*iii*) shall not, without the permission previously obtained in writing from the District Magistrate, Lahore, make any communication to any newspaper."

The order was supposed to have been issued by the Chief Secretary to the Punjab Government, but it bore no signatures excepting of one Mr. Ghasita Ram for the D. I. G., Police, C.I.D. Punjab who had attested the order. Mr. Ghasita Ram is stated to be an employee in the office of the D.I.G. C.I.D., Punjab.

When the notice had been read out, Mrs. Naidu wrote on the back of the notice, which she was requested to sign, that she was already under the instructions of her doctor, whom she was obeying strictly and was not addressing any public meetings or joining any processions ; therefore so far as she was concerned the order served on her was non-existent.

After signing the notice Mrs. Naidu emerged out of the compartment. She was heard remarking " The Punjab is an interesting Province and the Police here are even more interesting. Isn't it ? "

Later Mrs. Sarojini Naidu revealed the fact that she had sent a communication to the Home Department of Government of India from the Aga Khan's Palace at the time of Gandhi's fast which was to the following effect :

> " As a member of the Congress Working Committee I know that it never once initiated or endorsed or condoned acts of violence on the part of individuals of groups." To this she received a formal acknowledgment from the Home Department and nothing more. It is also now disclosed that on the day Mahatma Gandhi broke his 21-day fast Dr. B. C. Roy asked him in the presence of Mrs. Naidu whether in his " do or die " speech at the A. I. C. C. in Bombay he had entertained any ideas of violence. Mahatma Gandhi then is reported to have said vehemently : " Do you think that after 50 years I am going to destroy the work of a lifetime of non-violence ?"

Mrs. Sarojini earlier delivered her message of the Independence Day and finally gave a right royal intellectual treat and delivered a political fussillade at a Press Conference on the 25th January at Delhi, in which she gave a decent and final burial to the absurd report and charge by Government that Gandhi had prompted from Wardha the Working Committee in Delhi to torpedo the Cripps' Proposals. She described *verbatim* what Gandhi had said to Cripps himself during the ten minutes he had spent with the latter—namely, " You are a very wicked man to have brought these proposals to influence the Indian mind," and incidentally by implication

repudiated the wild report (which even Government were tempted to quote) that Gandhi had characterized the proposals as " a post-dated cheque on a crashing bank "—words which Gandhi never uttered or could utter. She recalled several facts,—namely, how Cripps had started his talks with a reference to the Cabinet system and how Maulana Azad had written during the Bombay meeting of the A. I. C. C. a letter to Mr. Jinnah confirming the proposals of the Congress agreeing to the League forming a Ministry at the Centre. She explained how Gandhi in his pre-fast correspondence asked the Viceroy to send some one who knew the Government's mind to his abode in the Aga Khan's Palace and convince him that he was wrong, and having convinced him, put him in touch with the Working Committee. " Why " she asked " were Sir Tej Bahadur Sapru, Dr. Jayakar, Mr. Rajagopalachari and Mr. Philips not allowed to see Gandhi ? " She roundly rated those Congressmen who were wavering and those others who were abjectly and helplessly pleading for the release of Congress leaders and proudly admonished the Government to rectify their mistake. Having correctly explained and vindicated Congress position and having reiterated that " Gandhiji never intended to start any movement straightway", the idea being that " failing negotiations, some action might or would be taken and that was left to some future time." Mrs. Naidu made a further effort to bring about a true understanding when she added " now is the occasion for Government to rectify past mistakes with the right gesture. We have made our gesture. I think it is possible to find some way to make a breach in the wall, if they would let people meet and talk to Gandhiji and let him meet the Working Committee and find out for himself what they thought and what was happening in the country."

Sarojini Devi's press interview had done the dual task of clearing misconceptions on the national movement and clarifying the national demand. That the Congress had all along stood four square against the Japanese invasion and was determined to resist it in its own way was a self-evident truth. That the Congress did not intend starting a mass movement straightway and was decided upon awaiting the result of negotiations in the interview with the Viceroy for which Gandhi was to seek an appointment, was equally clear to the unprejudiced mind. Having emphasised these two points, Mr. Sarojini Naidu proceeded to restate the fundamentals which the Congress would never surrender, namely, Independence of India and a National Government during the war as an earnest thereof. The Congress was not a baby to " go to grandam and take a plum, a cherry and a pudding." Let us recall in this connection Mr. J. S. Cotton's story of how an old Afghan Chief was reported to have pithily stated the traits of character of his countrymen to Mount Stuart Elphinston : " We are content with blood, but we will never be content with a master."

Time was passing and it looked as though Lord Wavell was destined to disappoint those who had hastily raised in themselves high hopes of an early solution of the Deadlock. The Viceroy's emphasis on good government, social and economical reforms, visits to slums, appointment of Health Committees and drawing up of Educational Schemes did not interest the people of India. Ominous pronouncements were in the air such as the one made by Sir Ramaswamy Mudaliar who was reported to have said in Cawnpore in January 1944 that the real deadlock in existence was constitutional in character. He ventured to suggest that leaders of thought without having regard to political or commercial ties should sit together without losing time and put forward feasible solution. He was not hopeful of the formation of a National Government in the near future as conditions pointed

to the continuance of the present administration till the end of the war. It was evident that neither withdrawal nor repudiation of the August Resolution, neither regrets for the past nor guarantees for the future by Gandhi and the Congress leaders would lead to any real transfer of power by the British to the Indians. At the most, it might set free the prisoners behind the bars, but there it would end. Obviously the authorities knew that to do this much would prove embarrassing to them in their smooth and successful conduct of administration,—Civil and Military. But even this was a fool's paradise in which the Government of India were living for they actually figured as a party in the bickerings between Bengal and Delhi or between a Provincial Ministry and the Central authority.

While the exchange of amenities of Mr. Suhrawardy, the Food Minister of Bengal and Sir J. P. Srivastava, the Food Member at the Centre, were none too dignified, the performance of the Home Department in the matter of Sarojini Devi's visit to Delhi and Lahore was positively nauseating. The publication by the Delhi Dailies of Sarojini Devi's statement at the Press Conference was an eyesore to the bureaucracy. Instead of welcoming the statement as an unfolding of the truth behind all the misconceptions that led to Government's repressive policy, Government preferred to punish the papers that published the statement and penalize the good lady that made it. The orders of the Chief Commissioner of Delhi which doubtless owed its origin to 'Central' inspiration, required the two notable Dailies of Delhi,—*Hindustan Times* and *National Call* that "if any statement subsequent to August 8, 1942, made by or attributed to Mr. M. K. Gandhi or a member of any Congress Committee which has been declared an unlawful association or any comment or any such statement is published in any issue of these papers it shall be submitted for scrutiny to the Special Press Adviser, Delhi and not be published unless it be with his approval." This was a pre-censorship order directly opposed to the agreement created by Government's acceptance of the Resolution of A. I. N. E. Conference dated October 1942 which recognized the need for the observance of certain voluntary restraint by the newspapers in the publication of news relating to the mass movement or disturbances. The publication of comments, be it noted, was not in question. This was the meaning of the high eulogies lavished by the previous Viceroy, Lord Linlithgow and quoted with approval and exultation by the A. I. N. E. Conference in Madras. While the treatment accorded to the Press was thus shabby and shame-faced, look at the order served on Sarojini Devi herself. When she went from Delhi to Lahore to see her sister on January 26 an order on behalf of the Government of India was served on her directing her not to participate in public meetings and processions nor communicate with the press anywhere in India. Ordinance rule became a veritable menace to the Civil Liberties of the nation. Of course, a nation which does not enjoy Independence has no Civil Liberties at all. But adopting for the moment, the much boasted view of the Britisher that in India, they established the reign of Law, one is sometimes tempted—perhaps purposelessly, to examine the measure of Civil Liberties in this country. The order served on Sarojini Devi became the subject of an animated debate on the 7th February in the Central Assembly. Sir Reginald Maxwell's explanation was simple and straightforward that Government had not suspected that Mrs. Naidu would recover so soon and so completely from her illness. The Home Member in the course of the debate said that the orders of Government regarding the observance of "Independence Day" were directed not against independence but against what was called the Congress Pledge, which, Government had been advised legally was a seditious document. Strangely enough a moral victory was won over

it by 40 votes for and 42 against. Government escaped a defeat barely with their skin on their bones. But really the debate revealed the mentality of Government as nothing else had done before. Sir Reginald Maxwell swore that the Government of India had never charged the Congress with being pro-Japanese—and this after all that had appeared in the Tottenham pamphlet from which again Government sought an escape by saying that they were only speaking for Mr. Nehru. However that be, when Mr. Amery was challenged in the House of Commons to prosecute the Congress leaders, he put forward the astounding plea that Congress had never been charged by the Government of India in the pamphlet on Congress Disorders with being pro-Japanese.

Really Government were prevaricating from time to time. At first it was in Parliament in Britain, later it was in the Assembly in India. In the Assembly, as has just now been said, Sir Reginald Maxwell said Government had never at any time charged the Congress with being pro-Japanese. Did Mr. Winston Churchill ever form part of the Government that ruled Britain or India? If so let us hearken to his speech in the Commons on September 10, 1942 soon after the Bombay Resolution of the A. I. C. C. (August 1942). "The Congress Party has now abandoned in many respects the policy of non-violence which Mr. Gandhi has inculcated in the open as a revolutionary movement designed to paralyse the communications by rail and telegraph and generally to promote disorder, the looting of shops and sporadic attacks on the Indian Police, accompanied from time to time by revolting atrocities, the whole having the intention or at any rate the effect of hampering the defence of India against the Japanese invader, who stands on the frontier of Assam and also upon the eastern side of the Bay of Bengal. It may well be that these activities of the Congress Party have been aided by Japanese fifth-column work on a widely extended scale and with special direction to strategic points. It is noteworthy that the communications of the Indian Forces defending Bengal on the Assam Frontier have been specially attacked." If this is not a charge of the Congress being pro-Japanese then all that one can say is that the science of politics is removed far from truth and is truly the science of concealing truth—not revealing it. At any rate, India has lived to see that the charge has been denied by the British authorities themselves beginning with Mr. Amery in the Commons.

Mr. M. C. Setalvad, the worthy son of Sir Chimanlal, who had resigned his Advocate-Generalship of Bombay soon after the 9th of August (*et sequelae*) performances of Government and who presided over the Civil Liberties Conference in January 1944, did meritorious service to the country by pointing out the havoc that was being perpetrated in India in the name of Ordinances, one hundred thirty-two of which held sway over the country. It is usual for counter-critics to state that Ordinances are as much a feature of Government in Britain as in India. We agree. We agree that they may be worse in Britain for in Britain whatever liberties may have been curtailed of civil rights, are so curtailed by a National Government. If, likewise, there had been a National Government in India, no one would have complained against ordinances except on ground of pure merit. But here in India, they were a deprivation of Civil Rights without check or restraint, without let or hindrance. Whether you take the blanket ban imposed upon a distinguished patriot like Sarojini Devi or consider the lathi-charge at Amritsar indulged in by a wanton Police under circumstances which a High Court Judge (retired), a District Judge (retired), and a lawyer of eminence considered wholly unjustifying, you cannot but conclude that the rule of India by ordinance was a rule that was absolute and personal, one that was wholly totalitarian.

## CHAPTER XXIII

### Wavell Speaks

Wavell came, Wavell saw but Wavell did not conquer. The mountain of Wavell went into labour and brought forth a mouse, the same that earlier had been given birth to by the labours of Linlithgow, Amery and Churchill. Only interest attached to the 8 months' conception since June 23 (five months before and 4 months after arrival in India ) which made the delivery premature and therefore the life of the newborn child precarious. If it should survive it had to be brought up in an incubator. And what was of importance was that the parent promised an afterbirth (usually thrown away) but in this case expected to revivify the almost still-born child that was being kept up by artificial respiration and warmth of high frequency currents created by rapid and intensive travel. We cannot blame Lord Wavell for carrying so long. We can only regret the poverty of the yields to vary the figure of speech. It is the richness of the soil that determines the character and quantity of the crop. Only a statesman rich in heart,—not merely firm of hand or sharp in brains, can rotate ideas and revolutionize plans. Waiting was no offence. For ought one knew, Lord Wavell might have been waiting and watching, watching and praying, but even prayers would prove barren equally with mendicant petitions unless there is a regeneration of spirit or in popular parlance, a change of heart. This change was not visible in Lord Wavell of Winchester. After all he was the administrative head of a subordinate branch of British Government who owed responsibility to the Amerys and Churchills. When the fountain source is not pure, the waters that it helps to canalise for public consumption do not become potable or non-pathogenic.

With these disabilites, Lord Wavell set about his task. If high expectations were formed and there bitter disappointments had to be endured, the reason was that an expectant public—ever trained and accustomed for long to beg favours and not strive for them under the "benign British rule" had been anxiously looking forward to a miracle being wrought by the admiring biographer of Lord Allenby. To praise the dead is not to guarantee an imitation, much less, emulation of their noble deeds. So judged, Lord Wavell's first performance was not merely a disappointment but an indubious failure. The indigenous force could not be harnessed by him to the chariot of Progress. It were an empty show and a meaningless convention of his Executive Council whose ability—and Lord Wavell was satisfied that it was a very good ability—could at best drag the cart of "Law and Order and internal administration". In all progress what matters is direction, not destination. When the former is wrong, the latter can never be reached—not at any rate without enormous and avoidable waste of time, talent and energy. Lord Wavell only chose to walk on along the direction fixed by his predecessor with the result that he could not contrive new approach or a fresh attitude in the matter of striving to loosen the deadlock. When Mr. Amery said in London that a sagacious elephant should test the bridge, Lord Wavell smartly changed the simile and stated that the sagacious elephant should discover the road. The bridge is on the road. But if the road itself is changed the bridge need not be tested. It was thus that it was hoped that Lord Wavell would strike a new path and travel along a new road.

But after 8 months' search, he came back to the old, abandoned road with a bridge whose load-bearing capacity was not equal to the requirements of the heavy tonnage which was in transit.

Nor did the great military leader display a comprehensive grasp of the problem when he separated the military objective from the socio-economic and both these from the political. Life is a composite blend of what we in common parlance call the military, the socio-economic and the political armies cannot fight without bread nor will mere bread and milk sustain the motive power of those armies. Doubtless, soldiers have stomachs, but even soldiers have in addition the spirit within and the soul that moves them to service and sacrifice. These are not made to order nor spring from the mere calorific equivalent of a balanced diet. They rather take origin in the balancing of human relations between nations and Governments—in the inspiration which Freedom and Independence alone can generate. It was here that Lord Wavell failed because the success in the war, and the socio-economic regeneration were inseparably linked to the political destiny of the soldiers as the fighting representatives of a Nation. The western mind is too much used to compartmental thinking and Lord Wavell fell a victim to a national weakness and let go his hold on the political issue. If this view is correct, then Wavell's ambition "to lift the poor man of India from poverty to security, from ill health to vigour, from ignorance to understanding at a pace at least of the handy and serviceable jeep, might not even assume the rate of progress of the bullock cart." The effect of the Viceregal pronouncement was to confirm the report given currency to at first by Brenden Bracken of the British Publicity Branch that the "Indian constitutional problem was put in the cold storage for the period of the war." What should follow then? The existing joint—Indo-British Government of India would continue with its responsibility to the British Parliament "until it can be transferred to a fresh constitution the framing of which is essentially an Indian responsibility." Incidentally, the Viceroy pointed out how the Indian element was formed the predominant element in his Executive, how it was composed of "eminent and patriotic men" who were carrying out with "a very good ability" the primary purposes of Government. What then about the political future? Lord Wavell opined that it is more difficult to plan the political future than the economic future in any detail. But one thing is certain: it is the point of view of practically the whole of the British, of His Majesty's present Government and of any future Government of the United Kingdom and it is their genuine desire to see India a prosperous country, a united country enjoying complete and unqualified self-government and the British people wish to see an early realization of it. Only the war must be successfully concluded and the soldiers' and workers' interests must be safeguarded in the new constitution as also of the minorities and the States, above all there must be agreement of at least the two main Indian parties and until they can come to terms, the Viceroy did not see any immediate hope of progress.

The plan herein visualised would be fulfilled by the Cripps' Offer. "The offer of co-operation in the Government on this basis by the leaders of Indian opinion," continued the Viceroy, "is still open to those who have a genuine desire to further the prosecution of the war and the welfare of India."

Then arises the question of the release of the leaders under detention. They could not be released until there was some sign on their part of willingness to co-operate. The Viceroy suggested individuals withdrawing from the "Quit India" Resolution and co-operating in the great tasks ahead. What were those tasks? Not the least of them was the preliminary examination

of the constitutional problems of India by an authoritative body of Indians. The Viceroy would not say who should appoint this authoritative body and whether they should derive their authority from Government or their respective organisation. If the former, there were already fourteen conferences and committees that sat and produced and failed between the Simon Commission and the Government of India Act of 1935. If the latter, would the Congress be one of the bodies ? If so how could it function when its Committees were declared unlawful and its leaders were in prison. In summarising, the Viceroy made the position tighter. "We cannot settle the future of this country," said he, "without the full co-operation of the British and Indian people and the co-operation within the Indian people of Hindus, Muslims and other minority groups and of the Indian States." The Viceroy was conscious of the co-operation of the many elements in this country, but he added, "there is an important element which stands aloof. I recognize how much ability and highmindedness it contains, but I deplore its present policy and methods as barren and impractical. I should like to have the co-operation of this element in solving the present and future problems of India. I see no reason to release those responsible for the declaration of August 8, 1942 until I am convinced that the policy of non-co-operation and even of obstruction has withdrawn in recognition of a mistaken and unprofitable policy." He did not want the withdrawal in "sack cloth and ashes," but all the same he did not realize that detaining people without trial and demanding a recognition of folly and a recantation of decision was no less than an inquisition. He and his Government would not bring the Congress leaders to trial, but demand a confession and a withdrawal little realizing that it is not the sack cloth and the ashes that betokened humiliation but that it is the humiliation of a forced confession and withdrawal, for getting a release that invested sack cloth and ashes with the character of humiliation. That Lord Wavell was only echoing his master's voice in successive tone and reproducing his predecessor's sinuous and labyrinthine sentences in short and clear-cut passages was obvious to the meanest intellect and the most casual reader. The speech betrayed a lack of initiative and the absence of judgment. How else should one seek to abduct members of a great organization from their loyalty to the parent body and persuade them to withdraw from the "Quit India" Resolution ? That was what Lord Linlithgow did when he appointed Muslim League Premiers to the Defence Council and thus invoked the dire wrath of the League President. That is what Lord Wavell has proposed again now. Seduction may be good strategy in love and war but Satyagraha yields no scope for the play of this unquestionable vice. It is obvious that the Viceroy while affecting apathy and reluctance towards the release of the Congress leaders was really anxious to get rid of this incubus of detention fairly early in his quinquennium so that he may have a smooth and uninterrupted progress according to his own ideas. It is the pardonable pride and even the laudable ambition of every Viceroy to leave his name and reputation behind so that they might abide long in the pages of history. Lord Linlithgow had been obliged to leave India, sad and disappointed in this aspect of his Viceroyalty. At least, he had the solace that it was at the close of his term that the failure overtook him. Not so with Lord Wavell whose misfortune was, his career with the unenviable legacy "bequeathed" to him by his predecessor. He must, therefore, clear the cobwebs and if possible secure co-operation. But he was not willing to pay the price for it. He was desirous of securing co-operation if possible or the removal of the incubus at any rate, on his own conditions. Sir Reginald Maxwell had interpreted Sarojini Devi's press message as implying that

Congress would not be willing to co-operate except on its own terms. Of co-operation, therefore, Lord Wavell felt fairly hopeless. Then he invited Congressmen to take part in the future problems of India, though they might not join the Government. In other words, he was anxious to keep Congress off the Government Secretariat as well as Government jails. There is a nursery song in Sind which is interesting and applicable to the present situation :

"Cusa Moosa Rai Bahdur,
Bahar nikalo, bat sunaven,
Bibiji my khod khod kiya mandir,
Tum bat karo my sunta andar."

The cat calls to the mouse within its hole to come out and listen to a word. The mouse answers "I have dug and dug and made a Mandir. You speak, I shall listen from within". Lord Wavell says to the Congress leaders "For Heaven's sake come out, come, come. A word with you, listen to me." The Congress says : "eighteen months we have spent here and made a home—you speak—we shall listen from within." So the deadlock continued. But when all is said and (not) done, the act remains that Lord Wavell would not impress his speech with the stamp of finality, for he said :

> "I have now spent some four very busy months in my post; and am prepared to offer you such views and guidance as I can at this momentous stage of India's history. You need not regard them as final views. I always look forward to making fresh contacts and gaining fresh knowledge. But they indicate certain principles on which action for the progress of India must, I consider, be based."

If Lord Wavell had meant to play the game, he should have called his colour and declared his trump. Instead, he wobbled, overcalled his hand, in declaring six spades, and erred further in trumping his own partner's card and exhausted his resources and gave rein to the opponent's suit which made all the tricks through the rival's bankruptcy. To declare a trump and try to play a no-trump game aiming at a grandslam to boot is to risk a defeat in the limited aim and lose the stake. The pack had to be shuffled once again and the cards had to be dealt. What the next deal had in store for Lord Wavell's reputation and the country's freedom, the future alone could tell. Apparently when Wavell handed to Louis Fischer his manuscript (in Allenby's Life) of the chapter that dealt with the 1922 crisis when Allenby threatened to resign as High Commissioner of Egypt unless the British protectorate over Egypt were dropped and independence granted to Egyptians, in which too he described in brilliant prose, Allenby's struggle with the British Cabinet in London, Prime Minister Lloyd George, Foreign Secretary Curzon, Milner and other Ministers who opposed him. Of all the opponents of Egyptian Independence, the most determined being Winston Churchill, who was then in the Cabinet, little did he dream that the turn would one day come to him, to carry on a like struggle with the very Churchill now as Premier and with Amery, the Secretary of State for India.

We have seen how the question of unity at least among the two major political parties was being emphasised from the time Lord Ronaldshey (Zetland) on to Mr. Amery's and from Lord Linlithgow's and Viscount Wavell's. This is not a new discovery in the mental hand-bags of Viceroys and Secretaries of State. In a letter, dated uly 5, 1820, Metcalfe points out that "Malcolm and others seemed to take up and advocate a scheme of

setting up Mahomedan interest in opposition to the Hindus or more especially the Maharattas. It appeared to me that the time was past for our trusting to any balance of power for our support, that the setting up of Mahomedan powers was in itself objectionable, and that our true policy was to secure as much country as possible for ourselves, and to announce ourselves avowedly as the master of all the powers of India."—Edward Thompson.

In 1820, it was a question of security of the country. In 1944 it is one of relating to it.

Lord Wavell's speech like those of his 'illustrious' predecessor, only carried with it a negative value to India, which must be for that very reason, of positive value to England. How it could serve this dual function might be told to the reader in the words of Bernard Shaw (Preface to the "Shewing up of Blanco Prosnet)" : "It was pointed out by Charles Dickens in Little Dorrit," says Shaw, "which remains the most accurate and penetrating study of genteel littleness of our class governments in the English language that whenever an abuse becomes oppressive enough to persuade our Party Parliamentarians that something must be done, they immediately set to work to face the situations and discover *How Not To Do It*, that is to say, the art of contriving methods of Reform which will leave matters exactly as they are" or worse than they were.

In India itself, there was a studied attempt in Anglo-Indian quarters to explain away the much talked of reference to Lord Wavell's appreciation of General Allenby's vigorous fight with the British Cabinet and his noble part in the emancipation of Egypt. Two reasons were assigned to show how Egyptian policy was inapplicable to India. For one thing General Allenby was called upon to handle Egyptian affairs long after the War of 1914-18 had ended. And secondly, in Egypt, there was nobody analogous to the Muslim League complicating the General's handling of Egyptian affairs.

No analogy can go on all fours. On the contrary, the very fact that India was in the midst of war on Lord Wavell's arrival in India, constituted a supremely overriding reason for the Government availing themselves of the added strength—moral and material, the accelerated support—moral and armed, offered categorically by the Congress Working Committee at Wardha (July '42) and the A.I.C.C. in Bombay (August, '42). All parties in India—League and Congress, Muslims and Hindus, were agreed alike in the Council Chamber and the popular forum that Britain should part with power. To whom it should and in what manner, are details which given goodwill on the part of Britain, would not baffle solution. Documentary authority exists for the Congress view that Government might hand over power to the Muslim League.

On the question of war itself and participation therein, Congress left the world in no position of doubt or dubiety for its pronouncements at Bombay were emphatic, categorical and unambiguous.

The loosening of the deadlock therefore was a simple enough measure provided there was a will in the British which would force its way. This was recognised alike in India and by the saner elements in Britain and America. In India, we had the clear statements of men like Sir Jagadish Prasad, Dr. Sapru and Professor Wadia. American opinion was growing restless being tossed about between conviction and high policy.

Opinion in England over the statement on India was not as complacent and non-chalant as people would have India believe. The circles concerned with India were ever widening and it was reported that "there was a kind of stirring in them to hasten a settlement of the deadlock and end a barren period of masterly inactivity. Patience which was being bespoken from all

sides was fast yielding place to mystification if not impatience. In particular, the official declarations on the release of leaders from jails were considered particularly annoying. Even those who were not in a hurry to release leaders, protested that it was absurd to "invite the jailed and the free to a joint R. T. Seance." Meanwhile even moderate leaders in India were noticing how fast and deep political bitterness was growing in India and how there would be great discontent "if the Viceroy did not do something to placate politically-minded Indians." In England, the "Church dignitaries had beeen for long worried over the prospect of alienating India before it was impaired beyond repair, by some wise gesture free from patronization."

The obvious policy of the British in India is not unlike the much-ridiculed policy of Japan in South East Asia, namely, 'co-prosperity tomorrow and co-endurance today. Lord Wavell made a reference to the unity established between the English and French in Canada. It was exactly a century since the issue had come up for decision and the facts of the case constitute a well known chapter of British History.

## The Budget, 1944.

Politics finds stange bedfellows for in politics more often it is common antagonism than common plan or faith that inspires conduct and gives a unity of proceeding and a combination of purpose seldom expected of rival parties. The Budget is an occasion for such developments which though appearing to take their origin in accident or necessity bear in them the seeds of rational growth. Fifty-six voted against and 55 for the Government (37 nominated and 18 elected 9 Europeans and 9 Indians namely (i) Sir V. N. Chandavarker, (ii) Sir Halem Gaznavi, (iii) Ananda Mohan Das, (iv) Bhai Parmanand, (v) Nilakantha Das, (vi) Sir Cowasjee Jehangir, (vii) Bhag Chand Soni, (viii) Mahomed Shabbal and (ix) Jamnadas Mehta.

Time is the great healer of many wounds because Time brings experience and experience is of a variegated character. There were signs even as Mr. Jinnah was speaking in his own strain in Lahore, of the Congress and the League coming nearer together. On March 23, Sir Yamin Khan who was the Secretary of the League moved in the Central Assembly for a Committee of the Assembly to revise the Defence of India Rules. In this connection he made an interesting and welcome statement which ran as follows :

> "Answering to the remarks made by certain members about the Union of the Congress and the League Parties in the Assembly, Sir Yamin said that the two parties had come so near to each other, as to demonstrate to the world that they had no confidence in the present Government. That was one step nearer to unity. Sir Frederick James had suggested it was a novel association but Sir Yamin Khan asked "Did you think before 1940 that Russia and England would join hands ? There were certain circumstances which brought together people who were separated." He thought that the actions and misdeeds of Government had brought the Congress and the Muslim League together. Sir Yamin Khan answering the Finance Member said he was grateful for the wrongs done by Government. The present Government had by their actions and misdeeds brought home to many people that Government were not serious when they asked the parties to join hands and that Government were only exploiting the differences. The Government's aim and endeavour was that the people of India should never unite and if they were coming together, something should be done to disunite them."

In so stating his case Sir Yamin Khan was not merely taunting the Finance Member or the British Government. He was driving a hometruth into the somewhat dull and impenetrable brains of the Britisher. It is often said that the Indian follows the logic of thought while the Britisher follows the logic of facts. But here few could deny that Sir Yamin Khan was following the logic of thought as well as the logic of facts.

At last after weeks of wordy warfare, came the final day of reckoning and the Central Assembly declined to consider the budget by 56 to 55 votes. Sjt. Bhulabhai Desai, the Leader of the Congress Party in the House appeared after 3 years of absence and made the Congress position once again clear even as he did 3 years ago. National Government and co-operation in war effort would go together. So did Nawabzada Liaquat Ali Khan speak in unequivocal terms. Sir Jeremy Raisman expressed pious hopes that the League and the Congress might further unite and arrange to form a Government but it was well known that the pious hopes only were a pious fraud, for the policy of Government was, as explained by Nawabzada Liaquat Ali Khan, to prevent union of the parties in the country. This was not the first time that the Budget was thrown out. But that would make no difference to a Government which did not believe in "no supplies without redress of grievances" but believed in "supplies now and grievances on the Doomsday."

The success in throwing out the budget was nothing noteworthy though its failure would have been lamentable. It may be noted that Mr. Jinnah did not vote, speak or attend.

The Session ended happily in Delhi. Congress and League had not merely joined hands against a common foe but hobnobbed with each other at parties given by Bhulabhai on behalf of the Congress to the Leaguers and Independents and by the Nawabzada to Congressites and Independents. It was well there was this spirit of comradeship, this exchange of cordialities which might lead to a further cementing of friendliness between the several groups. Mrs. Sarojini Naidu obviously played an intimate part in bringing about this inter-mixing. She has always been the messenger of unity and concord in Indian politics.

The Budget provided a much needed moral lesson to India. By the increase in the Income-tax and its taxation of Betelnut and Tobacco, Government incurred not a little unpopularity. But when the Railway fares were proposed to be raised by 25 per cent though the yield of 10 crores of rupees was to be credited to a Fund for post-war improvement of 3rd class carriages, there was an uproar from all quarters which ultimately led to the proposal being dropped.

The age-long practice of Governments and administrators whether of families or States, of adding a new grievance when pressed for the widening of existing privileges and rights, has a fine parallel in the story of a Jew who had ten children and complained of the congestion in the limited accommodation of his small home. A friend to whom the complaint was made advised him to take a few guests. "How is that possible," cried the Jew. But when the advice was pressed, he took it and found greater congestion and discomfort. A fresh complaint brought the advice that he should take his cattle also into the home. With a like protest, he adopted the advice and found his position immensely worsened. Then he complained again and was advised to take the luggages in. With renewed doubts and grumbling, he acted up to the advice and found life intolerable. Then he was advised by

the same friend to throw off the luggage. He felt some relief. Later he was asked to turn out the cattle. That gave him some moving space. Finally he was told to dismiss the guests and with that he found his accommodation quite tolerable—the same accommodation which he had originally considered irking.

That is how Governments add new grievances to old ones and on agitation remove and reduce them but partially and divert attention successfully from the original demand.

**Wavell Waits**

Many spoke on the Viceroy's speech. A fortnight elapsed since the Viceregal address was delivered before the Central Legislature but the country was still awaiting a pronouncement from Mr. Jinnah. As was his wont, he waited long, sometimes for over a month before he felt his way to giving his views upon any weighty political pronouncement of the Viceroy or the Secretary of State. But this time the customary interval was materially shortened when Mr. Jinnah, thanks to the Delhi interview of representaive of the *News Chronicle* (London) spoke at the month end (February, 29) emphatically and unequivocally. There was in his statement none of that reserve, none of that dubiety, none of that haziness which continued to envelope the Pakistan scheme even after his earlier interviews and statements. Mr. Jinnah in the course of this interview stated that the Congress bluff would be called in three months after Pakistan had been carved out but his own bluff was called even before Pakistan could be visualized in length or breadth, in population or area, in the authority that should carve it out or the agency that would sustain it.

The following is an interview given by Mr. M. A. Jinnah to the *News Chronicle*, London in reply to an invitation to sum up the present situation :

Mr. Jinnah states: "The Government seems to be content with the present position and so far as any action is concerned appears to be completely paralysed. Congress is outlawed and shows no change of heart.

Question : Why should not the Government open negotiations with the Congress or allow somebody like Mr. Rajagopalachari who has agreed in principle to your demand for Pakistan—separate Muslim and Hindu States —to go and try and persuade Mr. Gandhi to change their attitude ?

Mr. Jinnah : "That means that unless Mr. Gandhi is persuaded the Government won't meet our just demand for Pakistan. We cannot accept this position. So far as the Government is concerned I don't know what their policy is in this matter but if Government were to follow your suggestion it would be an admission that Congress has won and that Government cannot get on without the Congress."

Question : Well, what should be done ?

Mr. Jinnah : "If the British Government is sincere in its desire for peace in India it should now frame a new constitution dividing India into two sovereign nations—Pakistan for Muslims, representing one-quarter of the country, and Hindustan for Hindus, who would have three-quarters of All-India."

Question : But surely it is not a desirable thing to weaken India and lay her open to future aggression by dividing her into two countries.

Mr. Jinnah: "I don't agree that India would be any safer under a forced unity. In fact she might be more vulnerable because Hindus and Muslims will never be reconciled with each other. Any agreement between Muslims and Hindus to work together as a single unit or even in a Federation is an impossibility.

"New Foundland has been promised complete independence.

"If little New Foundland can stand on its own feet in the same continent as Canada, then Pakistan with its population of 70 to 80 millions, equal to twice the population of Great Britain, is certainly strong enough to march alone. Russia does not think it a source of weakness to divide herself into 16 autonomous states.

"Britain has for years tried to establish India as a united nation and all its efforts have failed. Now Britain must reconcile herself to the idea of an India consisting of two nations."

Question : But you know that Congress and the Hindus would never accept that. If Government tries to implement such a plan Congress and Hindus would launch Civil Disobedience campaign and there would be violence and possibly a civil war.

Mr. Jinnah : "On the contrary nothing like that would happen. If the British Government announced its intention of setting up Pakistan and Hindustan, Congress and Hindus would accept it within three months.

"In other words Government would have called the Congress bluff.

"In fact the Pakistan principle is working smoothly already in the five predominantly Muslim Provinces where Hindus are holding cabinet office in Muslim League Governments. Pakistan would be in the interests of everybody. Certainly Hindus would have no grievance under it because they would get three-fourths of India—territory larger and population greater than any sovereign state with the exception of Soviet Russia and China."

Question : But surely there would be a civil war. You would be creating an Indian 'Ulster" which Hindus might one day attack in the name of United India.

Mr. Jinnah : "I don't agree but there would be under the new Constitution a transitional period for settlement and adjustment during which time British authority, so far as armed forces and foreign affairs, would remain paramount.

"The length of the transitional period would depend on the speed with which the two peoples and Great Britain adjusted themselves to the new constitution.

"Finally the two Indian nations would enter into treaties with Britain just as Egypt did when she won her independence."

Question : What if Britain then refused to leave India on grounds that relations between Hindustan and Pakistan were not good enough to live as neighbours ?

Mr. Jinnah : "That might happen, but it is not likely. Even so we should enjoy a degree of autonomy, which we do not possess today. As a separate nation and a Dominion we should at least be in a better position to deal with and possibly reach an agreement with the British Government, which we are not able to do during the present deadlock."

Question : Do you believe that Britain is sincere when she says she wants to give India freedom at the earliest possible opportunity ?

Mr. Jinnah : "I will believe Britain's sincerity when she divides India and gives both Muslims and Hindus freedom. As John Bright said in 1858, But how long does England propose to govern India ? Does any man with the smallest glimmer of common-sense believe that so great a country with its twenty different nations and its twenty languages can ever be bound up and consolidated into one compact and enduring empire?"

Question : Are you likely to see the Viceroy while you are in Delhi ?

Mr. Jinnah : "If the Viceroy asks me to see him I shall be very pleased but I do not know what more I can say other than what I have already said."

It is evident from this that Jinnah overcalled his hand and was bound to see his error ere long.

The questions put to the leader were searching and leave an impression that they were formulated to suit the answers that were so definite and stood out so definitely from any previously given. Lord Wavell's speech was in the part relating to 'geographical unity,' definitely a reply to Mr. Jinnah's latest —17th February 1944 demand that Britain should "divide and quit." In this interview no longer is the old slogan in force for it gave way to the other slogan "divide and stay". For the first time, we have here a clear commentary on the League's creed of Independence. If necessary, the British are to stay in India hovering over Pakistan and Hindustan with outstretched wings, one on either, in order to ensure that Hindustan behaved. Mr. Jinnah was sure that the Congress and the Hindus would not launch a Civil Disobedience campaign or wage a Civil War if Pakistan were carved out. In effect then, Mr. Jinnah meant that the minority would coerce the majority by the *factum valet.* But let us reverse the positions. The League was objecting to Provisional Government on the basis of Federal Government and Congress was demanding it. Supposing the Congress said : "let the National Government be established and the League will accept it and Government will have called the League bluff," would such a presentation of the case be acceptable to the League and its leader ? Obviously such a presentation would have the clear advantage that it was not the minority that would coerce the majority. Coercion is a game at which two could play but by playing such a game neither party would benefit, for while blows would be shared by the Parties, the spoils would obviously go to the third party who is all the while mischievously standing apart and watching the unwise quarrel among people unmindful of their own dangers. The eagle that hovers in the blue heavens above, watches its most distant prey with unerring eye when the fish in the pond vainly struggle for their rights. Nor is the monkey to be forgotten that was chosen to adjudge the partition of the butter between the two cats. In effect then, the plans of Mr. Jinnah stood clarified and the majority was to be coerced and the British must effect the partition of India and stay in the country to enforce it. The whole episode leaves a theatrical effect on the mind of the reader and lacks the element of spontaneity of naturalness.

After this marvellous and unexpected performance, people asked whether it would be extravagant to say that Mr. Jinnah was playing the Britisher's game in India and the League was playing the role of an ally of Britain ? If they preferred division to unity, the matter was still debatable, but when they preferred subjection and slavery to freedom and independence, notwithstanding the creed of their constitution, then their complaint against the Congress that the latter had directed the Bombay Resolution against them, would fall automatically to the ground. When Britain offered to India the status of a Dominion with the right to secede, here were political leaders and a communal organization urging Britain's continued and indefinite stay in India, and perpetual domination over the hapless land which, whether you call it *Hindustan* or *Pakistan,* they are content to regard for ever as *Anglistan.*

The Congress had already resolved in its resolution at Delhi during Cripps' visit that "it could not think in terms of compelling the people in any territorial unit to remain in an Indian Union against their declared and established will." But this did not satisfy Mr. Jinnah. The fact appears to be as, in the case of the Wailing Wall incident in Palestine, "the Jews would not accept an implied recognition by the Arabs and the

Arabs would not give an express recognition," so in regard to Pakistan, the Muslim League would not accept an implied statement of the principle by the Congress and the Congress would not give an express or specific recognition.

Little do the British realize that as in the Lebanon riots of 1944, so in India, it is far more important to get a solution of the deadlock than to assess responsibility for the outbreaks of 1942. The repeated demand for the withdrawal by the Congress or by individual Congressmen, of the Bombay Resolution, shows that they in Britain concentrate on the latter and are not concerned with the former. Nor have they, through the changing panorama of events, stuck to the fulfilment of any one condition as prerequisite to negotiations. At first in August 1940, it was a settlement with the minorities. Then it was Cripps' plan, later it was the withdrawal of the Bombay Resolution, an expression of regret for the past and a furnishing of guarantees for the future. Finally it was a withdrawal of the Bombay Resolution by individuals, a corporate offer of co-operation in war effort from the Congress and a continuation of the prevailing form of Executive until the formation of the new constitution. The fact was that as soon as one key was or was about to be found to loosen the deadlock, Government were having in the meantime the lock changed, until Sir Reginald in his wisdom and etymological knowledge denied the existence of the deadlock itself.

The Indian Government became frankly autocratic, and unabashedly talked of votes of censure as purposeless and if anything, only calculated to make them more irresponsible. The sadder spectacle was that of the Indian members of the Executive Council who helped to lighten the burdens of Maxwell and Raisman by going one better than their British colleagues. Sir Ramaswami Mudaliar's jibes at the Congress would have been less pathetic had he not coupled them with a reference to his own reappointment to office. "After five years of office," said he, "he must be an extraordinary man if he looks forward with pleasure or equanimity to another full term of office as Member of the Executive Council not because of the abuse showered on us but because of the cares and anxieties which must surround any member of Government who takes to his work conscienciously." There was the rub. Did not the Indian members conscienciously feel that to deny a whole nation freedom, to force it into a war that was not hers, to refuse the formation of a National Government so as to enable it to render the utmost aid in war effort and lastly, as if to add insult to injury to trot out the so-called differences of race, community and political status as barriers to political progress were aspects of Imperialism which had repeated the same political manoeuvres and political ditties from the time of Lord Durham to the time of Lord Wavell? Wavells and Linlithgows, Amerys and Zetlands, Churchills and Chamberlains, have had the clear excuse of having to run the machine of Imperialism—the satisfaction of being the drivers that started the engine, put on the belting and run up the fast pulley; but should the fly that sits on the flywheel feel so proud as to consider itself part of the machinery and loudly proclaim to the millions of its enslaved fellows that they shall not have a National Government for twenty-five years.* Hitherto the Indian bureaucracy used to put on the mask of constitutionalism and sail under the aid of favourable legislative winds.

Now that here in India several cuts were passed in the annual Budget and on the top of that, supplies were refused to the Viceroy's Executive Council by another cut moved by the Congress (only 16 attended out of 46 elected members of the Congress) and again the budget allotment to the Finance Department was subjected to a cut, Government members had no alternative after seven votes of censure in one session during the Budget

* This statement by Sir Ramaswami Mudaliar was not reported in the English Press but was in the Marathi Press.

session, but to parade their despotism in all its nakedness and avow, as Sir Jeremy Raisman did on the floor of the House, that Government knew they had no majority. The Finance Member's actual words bear and deserve quotation :

> "It is nothing new that Government do not have a majority in the House and if anybody is acting from political motives, it is possible to have the monotonous spectacle of having divisions every day, every hour or half hour.
>
> Whether it helped to induce a sense of responsibility on this side or the other, I leave it to the members to decide. Once the possibility of a defeat for Government arises, the temptation to exploit that possibility is too strong. The result is complete irresponsibility all round."

This spirit of comradeship between the Congress and the League surpassing all expectations and induced by conditions wholly fortuitous, could only be compared to that not altogether rare experiences in life when the wild flowers of the forest borne by plants springing from seeds, strewn by wind and nourished by weather, surpass the beauty and the aroma of flowers cultured in the garden or cultivated in the hot house. The Press always alert in scenting news and spreading its sweetness far and wide, took a hopeful view of the rapid development—so unexpected and so welcome. Bhulabhai's party to the different groups witnessed, at long last, the host sitting at the same table with Shrimati Sarojini Devi, Nawabzada Liaquat Ali Khan and Sir Yamin Khan. It was even published in the Press that agreements were reached on vital matters between the two great parties. In the meantime, the Viceroy had made a 69-day tour round the eleven provinces in India primarily to study the Food situation and to study incidentally the military position and preparations in different parts of the country. During this 69-day tour, he had avoided political speeches or even discussions except perhaps in Madras where he had met C. R. and gave him a 45-minute interview.

Full six months had elapsed since Lord Wavell had set foot in India and well nigh a year since his appointment to the Viceroyalty had been announced. As an arduous student of Indian politics to which he was by no means a stranger he had served his period of probation at Whitehall where he had been duly coached in the civic mysteries of Imperialism for several months under the tutelage of the India Office and of Sir Ramaswami Mudaliar who must have impressed him with his docility, sobriety and stability so as to earn his rights to the reappointment as member for the full term of five years.

Lord Wavell had thus completed a tenth of his term and during these 6 months, worked hard, sparing neither time nor trouble to study economic and social, military and political problems first hand. In the domain of military talent, the time to distinguish himself had long past and his military bias determined his centre of interest and the character of his tours and studies although he had more than once stated that he had doffed his Field-Marshall's uniform. Of administrative abilities he gave ample proofs through his readiness to face critical situations, through his quickness to reach decisions and firmness in enforcing them. In the sphere of economic and social well-being a vast field was awaiting him—a field alike of explorations as well as operations. It was well that he appointed a Committee of Health under the Chairmanship of Sir Joseph Bhore, a Roads' Committee and Scientific Investigation Committee. His predecessor had already prepared for him a comprehensive scheme of Education drawn up by Sir John Sargent and known as the Sargent Scheme. Lord Wavell, however, shod his cloven foot in his preference for

Roads as against Education, so that his Imperialistic bias betrayed itself only too nakedly. On the political issue facing him and the country, he was content to make the commonplace observations already reviewed and for aught the nation could judge and foresee, it appeared as though he was content to rest on his oars.

Public opinion, however, whether in India or in Britain or in America did not reconcile itself to the complacent view taken by Lord Wavell in relation to the political deadlock in India. The nestors of Hindustan came out of their retirement to bestir the dormant forces so as to rouse them and awaken them to a consciousness of the dangers ahead that awaited a do-nothing policy. The Right Hon'ble Srinivasa Shastri whose word was at one time gospel truth to the British and who enjoyed the rare honour of being made a C. M. (to which order Mr. Casey, Governor of Bengal was later admitted) spoke every now and then with that clarity, eloquence and provision for which he had earned a just reputation in the New World as well as the Old. His was not a plea for a mere release of Gandhi or the solution of the deadlock, for he was thinking of the times to come, the problems of war and peace to be faced, the reconstruction of the future in which all strife is to be hushed in understanding and all discord to be replaced by harmony. Then came the Grand Old Man of India, Pandit Madan Mohan Malaviya, ripe in years as he was rich in wisdom to demand the release of Gandhi and his colleagues. He staked his demand upon a reply reported to have been sent by Gandhi to the charge-sheet furnished to him by Government. The venerable Pandit further contemplated in the month of March an All-Parties' Conference which, however, on second thoughts, he dropped in favour of the Non-Party Leaders' Conference held on April 7 and 8 in Lucknow under Sir Tej Bahadur's presidentship. The resolutions of this Conference besides calling for the establishment of a National Government, representative of all parties at the Centre, asked for Composite Ministries in the Provinces, fresh elections to bring the Legislatures more into touch with public opinion and the unconditional release of the Congress leaders to enable them to effect a communal settlement. Sir Tej Bahadur Sapru, who once had been the Law Member of the Central Government in the 'twenties of this Century and who was the chosen President of the Conference expressed his genuine fear that the Conference might not succeed in attaining its objective because Government said that the leaders composing the Conference had no followers and those who had a following were shut up in prisons.

It can now be realized how fruitless were the labours of the Leagues and Conferences in London, the India League, the Labour Conference, the Trade Union Conference, the Independent Labour Conference and the Commonwealth Group Conference, all representing high ideals, profound sincerity and a stern sense of justice but all equally impotent against the conservatism of Britain, entrenched behind a few families of influence as representing the real power behind the throne, namely the capital, commerce and industry of the British Empire Unlimited.

While thus the voice of Institutions was making itself audible, individual Congressmen who were free at the time, notably in U.P. met together and expressed their renewed confidence in Gandhi and pleaded for intensive attention to the Constructive Programme.

The appearance in India of Dr. Lin Yu Tang, at this juncture not indeed as a visitor but as a passenger on his way from China to America was indeed a striking event that attracted wide attention and caused equally wide regret at the all too short stay he made.

In London, the hub of the British Commonwealth and Empire, India did not fail to attract attention of one kind or another from the Press and the platform on a wide scale.

As if to answer all these warnings and admonitions, Mr. Amery rose from his sick bed and appeared in his place in the Commons on the 18th April 1944, to tell an expectant world that "the whole campaign for creating mass sabotage and for paralysing the activities of the Government of India, was *almost certainly* one for which the Congress leaders were responsible." In reply to Mr. Sorensen's categorical enquiry whether Mr. Amery really suggested that these regrettable affairs were actually instigated by the Congress, he ventured to re-assert his previous answer more emphatically; whereas he had started with the words *almost certainly*, he now replied "Oh, yes, *most certainly*." If "almost certainly" could develop in the course of a few seconds into "*most certainly*" one can readily imagine on what flimsy basis the original imputation must have started.

Mr. Amery proudly referred to the Parliamentary Governments set up in Orissa and North-West Frontier Province, little seeing that in both these provinces, it was a minority (of 22 out of 50 in the latter and of 27 out of 60 in the former) that was carrying on the so called Responsible Government. Altogether Mr. Amery made a most provocative speech and if, in the words of Mr. Pethick-Lawrence who in the Labour Government was Secretary to the Finance Department, and who to anticipate a later event, became the Secretary of State for India in 1945, could not realize the real character of his speech, it only showed how unfit he was to hold his place in Government.

The month of April in England had been witnessing that hardy annual on India, the ever recurring debate on Section 93, ever since the seven Congress Provinces had passed under its rule. The debate on the Bill relating to Section 93 of the Government of India Act was readily followed by a debate on the perpetuation in Peace of the Unity amongst the components of the Empire and Commonwealth which came into being in the war time. The debate centered round a resolution to that effect moved strangely enough by a Labour Member of the Commons, Mr. Shinwell, whose later day history had amply proved his distinct leaning towards Tory politics and Imperialistic preservation. Nothing unabashed he endorsed the famous pronouncement of Mr. Churchill in favour of holding his own (November 10, 1942) at the Mansion House Function. It was all a process of mutual adulation and fulsome praise as between Mr. Shinwell and Mr. Churchill. The toad in the (Shin)Well looked up to the eagle on the (Church)Hill while the eagle on the Hill viewed the toad in the Well with a certain condscension.

When Mr. Shinwell emphatically asserted that the Indian problem was essentially economic rather than political, he definitely put his foot into it. Apart from the correctness or otherwise of the theory so nonchalantly advanced, it may be remembered how John Morley had said in the 1st decade of the century as Secretary of State for India, that India's problem was really racial not political. Did not Mr. Shinwell realize that no economic relief was possible without political independence? Has he ever come across an Empire whose avowed object is the search for markets and raw produce in its colonies and at the same time, in which the colonies enjoyed economic independence? Whether it be the importation of capital, the dumping of markets with finished goods, the exploitation of raw materials, and the "penetration or infiltration" of industries by companies incorporated outside the country and enjoying immunities from laws locally framed, the sharing of benefits from protective tariffs, the control of currency, or preferences under the most favoured nation treatment clause or whether the industries of the subject

country are monopolized by the overwhelming capital of companies registered in the country itself under a series of statutory industries and commercial safeguards, the fact remains that it is political authority that determines economic servitude or freedom and Mr. Shinwell is talking without chapter and verse when he speaks of India's problem being economic rather than political. Even in England a person like Sir Stafford Cripps demanded stringent restrictions on profit-making in order to ensure decent conditions of employment and if that be so how much more should the Government of a country like India be independent in order to conserve its raw materials, restrict its imports, regulate its tariff, direct its Railway rates, control its currency and exchange—all of which are indeed the established means by which Britain fashions her economic policy in India? The only reference then made to India by Mr. Shinwell, the Labour Tory of the war time, is enough to make India cry out "save me from my friends."

There was another interesting and erratic reference in the Commons to Indian politics. Of late, the Brahmin got on the brains of some of the members of Parliament. How else should Sir Herbert Williams have said that "on the withdrawal of Britain's domination, India will be tyrannized by the worst aristocracy in the world—the Brahman class." Mr. Churchill closed with the pious hope that India would at the end of the war become a Dominion. We well remember Ramsay MacDonald's closing words at the end of the 1st Round Table Conference that not in a few years, but in a few months, there would be a new Dominion added to those in the Empire (1930 December). Sir Percy Harris expressed surprise that India which should become the 6th Dominion received no attention at all in the half-hour debate nor was it any good if it was mentioned in an Assembly of 25 members. The diehard and conservative view was represented by a Rip Van Winkle called Sir Herbert Williams who was haunted by the Brahmano-phobia and said that the Cripps' scheme was rightly rejected and when confronted by Sir Percy as to whether it should be withdrawn, said that there was none to receive it. Arthur Greenwood, Leader of the Opposition said that "the Conservative Party had idealized the growth of the British Empire. They think it was a sort of development of Truth and beauty and we all know it is all loot and booty." He added that "in the past Britain had shamefully exploited the Colonial Empire." In the last analysis the development of British trade was the common policy of the Shinwells, Ameries and Greenwoods alike.

## CHAPTER XXIV

### Wavell Moves

At last the miracle happened but not without an element of tragedy in it. The release of Gandhi should under other conditions have been hailed by the nation and the world as a happy event as the result of wisdom dawning in the end upon the powers that be to wit, the British War Cabinet, but it was Gandhi's illness and fear of impending danger that brought about the release. Even the preceding week of publicity regarding his health, created alarm throughout the country and stimulated telegraphic requests for his release. Wavell acted and acted promptly. Wavell's appointment as Viceroy was announced on the 19th of June. He arrived in India 4 months later on the 9th of October. Full six months had elapsed and the Indian nation as well as the thoughtful and farseeing elements in Britain and America were getting restless and restive over the dilatoriness in action in relation to Gandhi's release. When man failed to take initiative, it appeared as though nature came to man's aid. Gandhi's illness began on the 14th April just as that first half year of the Viceroy's term was about to close. The bulletin at first issued in India was of complacent character. But on the very day, a setback was announced, there was an interpellation in the Commons to which Mr. Amery replied stating that Mr. Gandhi's illness was not of so serious a character as to necessitate his release. It looked as though, they were waiting for the illness to turn seriously and afford them an opportunity to get rid of this incubus which got on their back, very much like the old man on the sailor's back. Messrs. Amery, Churchill, Wavell and Company must have been anxious fairly long to break this deadlock somehow or other. None of their demands was forthcoming. After repeated failures, the new Viceroy changed his tone and temper and urged individual withdrawals by Congressmen from the Bombay Resolution after a due consultation with no other than their own consciences. But such a consultation only strengthened the people's resolve not to withdraw. Then the charges against detenus were drafted under a new ordinance and no replies worth mentioning were forthcoming. What was the *firm* to do ? Even the six months of detention counting as from the 15th of January were expiring and a second term meant a second set of orders of extension. A way out was badly wanted and nature or as the adage puts it, God who tempers the wind for the hobbled ass as well as the shorn lamb, came to the rescue. A hasty bulletin of 'no anxiety' and 'all is well' was quickly followed up by a note of alarm, a ringing of the bells and the sudden opening of the gates of the Aga Khan's Palace. On the morning of the 6th of May 1944, Gandhi and his party found themselves free and repaired to Parnakuti, Lady Thackersey's well-known residence in Poona. Gandhi was first imprisoned in 1922 and released in January 1924 after undergoing an operation for acute appendicitis and after serving but two out of the six years of his term. In the 1930 Movement, he was released along with 26 of his colleagues on the 26th of January, 1931 by Lord Irwin with a view to carrying on negotiations for a settlement. When he was re-arrested on the 4th June, 1932, he made history by his fast unto death, which ended in the Poona (Harijan) Pact. He claimed the right to conduct the Harijan Movement from inside the jail and to combat a breach of agreement in this behalf, he fasted again in the jail and when his condition was

critical, he was released. It was then that he was received in this very Parnakuti which has the honour of receiving him once again and restoring him to his health.

At this stage, we may take a rapid survey of the situation, political and communal in India. It was on the 13th April that the Japanese made their advance towards India on the north-east frontier almost simultaneously with Gandhi's illness and while these two events were progressing, affairs in the Punjab were heading to a disaster for Mr. Jinnah. He threatened to be as he had indicated in Lahore on the 20th and had left Bombay on the 18th. The events in the Punjab have been described in detail in an earlier chapter.

We may review the situation as it presented itself on the 7th May on the extreme north-east at Kohima, in the centre at Poona and on the extreme north-west at Lahore. The Japs occupied Kohima and the besieger remained besieged by allied armies. Affairs took an unexpected course. At Poona, the arch prisoner became free even as those that had imprisoned him became embarrassed more and more by the political situation which threatened to be worsened by Gandhi's failing health. In the north-west, Mr. Jinnah who was on the aggressive became for the moment at any rate, foiled in his plans and had to lay down arms. 'Assailer assailed' would be a compendious heading for all the three phases of this unexpected development in the history of India. Recall for a moment what Jinnah said in April, 1943, immediately after Gandhi's fast. In his speech at Delhi, he had said that it was no good Gandhi writing to Government. If he wrote a letter instead to himself (Jinnah) Government dared not stop that letter. And when the letter was actually written to him but was stopped by Government, Mr. Jinnah covered his defeat by bluff and said that Gandhi should withdraw the Bombay Resolution first, concede the principle of Pakistan next and if such a letter was written, Government dared not stop it. He had not, however, the imagination to see what a fourth-form boy or girl could readily see, that if Gandhi withdrew the Bombay Resolution, he need not wait on the goodwill and good grace of Mr. Jinnah who for the time being, "by merit raised by bad eminence exalted sat" high on the League's throne basking under the sunshine of Linlithgow and dictating to Premiers, rejoicing over dismissals, ignoring all rules of courtesy and convention, saying not a word of condemnation over the murder of Allahbaksh, sending not a word of condolence over the death in jail of Kasturba Gandhi, defying Viceroys and Governors who spoke either about the successful Government of the Punjab, or dismissed ministers, issuing ukases to political parties to change their titles and denominations and meeting with rebuffs from politicians who owed their position neither to the prestige of the League nor to the support of its illustrious President. And here too was Gandhi, who like the old Vathapi having got into the stomachs of the British Government, threatened to burst open its entrails and emerge into the outer free world and who had been ejected intact out of his confinement, who owed his freedom neither to a withdrawal of the Bombay Resolution nor to a forced acquiescence in the principles of Pakistan. Look at that picture and this, Gandhi the embodiment of patience and faith, meekness and humility, truth and non-violence; Jinnah the very incarnation of conceit and self-consciousness, of dictatorial temper and diplomacy and strategy. Churchill might be in search of a formula; Amery may have been worried about a way out; Wavell might have been hard put to it to unravel the political tangle, but Mr. Jinnah would not budge an inch, move his little finger from any settlement other than on his terms or speak a word on Gandhi's release to mollify the situation.

Now is the time opportune for recording a few thoughts germane to Gandhi's release. There are aspects in procedure which prove a certain lack of the human element in the conduct of responsible officers. For one thing, authority and with it responsibility, were divided between the Central and Provincial Governments with the result that where a single opinion, a single point of view and a single decision for good or for evil should have prevailed, there were always two. There were indeed two swords in one sheath. They were likely to, at any rate it was not unlikely that they would, come into clash with each other,—and this over the inevitable conflicts in Britain and India.

Kasturba Gandhi died on the 24th February, 1944. Elementary human understanding, minimum human affinity of feeling should have dictated the urgent necessity of removing an elderly, nay an old person and prisoner of three score and fifteen from the perpetual sight of his wife's grave, from the perennial flow of emotions which would inevitably swell up from the graves of a sixty-year long partner in life and of a thirty-year long companion and secretary, Mahadev. These calamities would have shattered the nerves of any one—more so, of Gandhi. The very philosophical resignation with which Gandhi would have taken these events, would work up a volume of reaction which is substratal and subconscious and would be hidden from the view of external observers. The rustic, untutored but natural outburst of sorrow, opens out the safety valve leaving no scope for its being pent up to the bursting point.

To revert to the human side of the case, any householder possessing domestic instincts and understanding family relations should have thought of transferring Gandhi from where the mind would swell despite all resistance. When Kasturba died on the 24th February, would it be too much to have expected Gandhi's transfer by the 15th of March? Instead, Sir Reginald Maxwell said in reply to an interpellation on the 29th March that Government would consider the question of transfer. On the 5th of April, the I. G. P. visited Ahmednagar Fort and must have fixed up tentatively the quarters for Gandhi and party in the block of buildings occupied by the Working Committee. Why was he not taken to the Ahmednagar Fort by the 10th? Departmental delays, duplicated authority, dubious attitudes accounted for the delay. But malaria is no respecter of persons not even of Bristowes and Maxwells. The bacillus is stronger than the bureaucrat and what the latter could not do the former achieved.

A whole chorus of approval greeted the release of Gandhi. That in America, it should have been expected to be followed up by the release of Congress leaders and a settlement of the deadlock was but natural. But that in India one Anglo-Indian journal should have considered that "the release was ethically and politically right," and another, that "Gandhi should strive for a short range settlement, that he could not possibly agree to Pakistan, however inclined to concede he may be, because he has his community to consider, and that Lord Wavell will co-operate in any constructive endeavours initiated by him," showed how the direction in which the wind began to blow rapidly and suddenly changed. There was an earnest desire on all sides for the loosening of the deadlock and firm belief expressed that if only Gandhi willed it, he could effectuate it. The first of the two journals referred to,—the *Statesman*, went further in saying: "But its long term potentialities in the political field seem to us good, for Mr. Gandhi whose practical gifts as politician are of a high order, must surely by now be well aware that the programme of mass civil disobedience to which the Congress Party committeed itself under his guidance at the war's gravest

phase in August 1942 was, *if not morally wrong*, at any rate, tactfully very faulty." (Italics ours)

Thus the centre of gravity of the world of Indian politics shifted in one swing by a few paces taken by Gandhi from his room in the Aga Khan's Palace to outside its gates. What a weight should this one hundred pounder have represented and be representing and how delicately should the political orbs have been poised, if they could be upset or set up by the shifting of the small physical weight of a little over a railway maund? It is said that by Yogic achievement, a man standing on a balance can raise his weight by fifty pounds or reduce it by an equal measure. The weight of flesh and blood is capable of appraisement in maunds and seers and pounds, but the weight of the spirit that moves whole nations, of faith that moves whole mountains, is inestimable. Such was the weight of Gandhi—weak, anaemic with low blood pressure and poor blood count—liberated from his twenty-one-month incarceration and permitted to breathe the free air of Parnakuti—(literally) a cottage of leaves (thatch)—not the Aga Khan's Palace which was entered as a prison-house and left as a grave-yard.

There is one small but important and amusing circumstance relating to Gandhi's release. Who should get the credit for it? Whose would have been the responsibility for any accident arising from non-release? Mr. Amery speaking a day or two prior to the release stated that he could not permit any intercourse between Congressmen outside and those inside prisons. On the eve of release, he laid the whole duty and responsibility in the matter of release upon the Viceroy. The Viceroy himself was absent from Delhi for some time before the release and his movements were kept a secret. There were only two members of the Executive Council in Delhi on the eve of the release. If the responsibility was the Viceroy's as stated by Mr. Amery, it was so not merely in relation to the Secretary of State and the War Cabinet and the Premier, but also in relation to his own Executive Council. The words of Lord Wavell's predecessor that his Executive Council's unanimous assent to the arrest was supporting the decision to arrest Gandhi on the 9th August, 1942, were only partly true. It may be remembered that Sir C. P. Ramaswami Iyer resigned over the issue within a fortnight of his accession to office because amongst other reasons, the decision to arrest Gandhi taken on 5th August, 1942 deprived him of his much cherished plan of seeing Gandhi with a view to a settlement. Then again it was proudly proclaimed that the decision not to release Gandhi during his fast in February 1943 was taken with the consent of the majority of Indian members—a minority of three having resigned over the issue. What then was the position of these "eminent and patriotic" Indian members of the Council in relation to the release of Gandhi on the 6th of May, 1944? The Viceroy was away from Headquarters and thus acted off his own bat—without the inconvenience of these 'eminent and patriotic' gentlemen's advice. Dr. Khan said recently that he was speaking not as an officer of Government but as Government itself. Where then was the Government in the matter of the release?

What next? was the question universally raised after Gandhi's release, in Britain and America no less than in India. The *Evening Times* of New York frankly admitted that the rigours of censorship had stood in their way in America being acquainted with the facts as they existed at the time of Gandhi's arrest. The somewhat ostentatious announcement that the release was "solely on medical grounds" was summarily dismissed by one and all as savouring of the spirit—"My lady protests too much." There was not one journal but had taken the view that authority was biding its time to get rid of this incubus which was getting heavier day by day, from off

their backs. And if it was phlebitis in Sir Oswald Mosley's case, it was malaria, anaemia, blood pressure now high, now low and now high again in Gandhi's case. Anyway all were agreed in demanding, urging, suggesting, prompting, praying or challenging that the Working Committee members should be forthwith released and fresh ground should be broken in order to reach an agreement. Apparently, they were overborne by the fact that mere numerical measure of recruits in the army did not make up the full requirements needed to carry on an all-out war against Japan and by the further fact that Japanese invasion of India was neither fun nor frolic, neither a patrol clash nor a boundary skirmish but was a full-blooded, full-forced, full determined invasion of the soil. That the valleys of Assam and the outskirts of Bengal should both have been penetrated by the enemy constituted a state of things far more menacing than the sighting of an aircraft carrier and a few cruisers or destroyers on April 6th, 1942.

Now that Gandhi was free,—no matter how that freedom might have been brought about,—and now that Gandhi was restored to normal health or at any rate to enough capacity to attend to his normal duties, it was up to the British Government to reopen the chapter of political negotiations which they had abruptly closed on the 9th August, 1942. It was generally believed that Gandhi himself would take up the thread of negotiation at its broken end on his side and pursue the piecing together of the two ends by writing a letter to the Viceroy as 'man to man' much in the way he had written to Lord Irwin on the 14th of February, 1931 on the eve of whatturned out to be the Gandhi-Irwin negotiations and settlement. Equally widely and firmly was it believed that all the twaddle about differences in India originated by Lord Linlithgow should not stand in the way of Lord Wavell. During Sir Stafford Cripps' visit, the point was never raised—not once, substantively or in passing—that unless there was unity, his scheme could not be given effect to. Sir Stafford had reached India with his laurels fresh from Russia and he knew that the Indian situation was not unlike that of Russia in the Czarist days. He knew too that all the internal troubles, namely, of want and starvation, illiteracy and communalism by which India was afflicted had likewise affected Russia and could not be liquidated so long as the Czar was ruling.

Sir Stafford's scheme proposed that the autocratic British rule in India should likewise clear out of this country after the war and declared its object to be " to give the Indian people full self-government with complete freedom as to how they would devise and organize their own constitution. The important elements of Indian life which had been overemphasised in the August (8th) Declaration of 1940, and which later were pressed into service in order to lay the blame at the door of the Congress for the failure of the Cripps' scheme, were not projected into the arena during the early part of April 1942. In his broadcast dated 30th March, 1942, a week after his arrival in Delhi from which the above quotations are taken, Sir Stafford referred to the school of geographical unity of India and that of dismemberment, also to the schools of Federalism and Centralisation and said :—

> " These and many other and various ideas are worthy to be explored and debated, but it is for the Indian peoples and not for any outside authority to decide under which of these forms India will in the future govern herself."

It is obvious that under the circumstances, it is not open to the British to demand that only an earlier agreement amongst the communities could make possible a political settlement, nor is it open to the Muslim League to appeal to the British Government to carve out Pakistan. Nor may the

League claim a monopoly of representation of the Muslims to itself in the face of the Nationalist Muslim Conferenee, the Khaksars, the Jamait-ul-Ulema, the Ahrars and the Momins who have one and all opposed Pakistan. It was obvious that there was no valid ground for the British to fight shy of a serious eonsideration of the political question once again, wiping out the twenty-one months of deplorable history from their minds as a bad dream. Gandhi's eourse of conduet could be easily understood if the reader switehed back his mind to the 9th August, 1942. Supposing he and his colleagues had not been arrested that day, he would certainly have written to the Vieeroy on the subjeet on hand. But his arrest prevented this eventuality. Equally did it prevent his inaugurating the intended movement. Therefore on the 6th of May, 1944, on his release, he found himself exaetly in the same position,—namely, of one who had never begun the movement of which he was made the General. These twenty-one months of blood and tears might therefore be temporarily regarded as *non est* and Gandhi could with a clear conscienee communieate his thoughts to the Vieeroy. Mr. Amery added emphasis in the Commons that Gandhi's release was solely on medical grounds did not take away his rights of a free man. There was real truth in Lord Halifax's statement that Gandhi's release was due to the changed situation in India, not the changed eondition of Gandhi's body. Even Lord Halifax might on certain oeeasions blurt out the truth though on eertain other occasions he would obfuscate it as when he unprovokedly stated that self-determination was not for India and Palestine on account of the internal differenees. It did not really require a Halifax to say from America that the situation in India was changed. Was it not when the Japanese who should have been expelled in a week from the north-eastern frontier, managed to avoid this legitimate regard for well nigh two months after they had begun their exploits on the Assam border? The situation was changed and Gandhi had every right and every duty to address the Vieeroy on the changed situation. Lord Wavell too might say to himself—indeed might have said to himself—like, his idol, Lord Allenby; "I have never been in a *difficult* position in my life. I have sometimes been in an *impossible* one and then I have got out of it as quiekly as I could." Indeed instructions from Whitehall to Lord Allenby were sometimes impossible to exeeute. His first Egyptian impossibility was the British Protectorate and Lord Wavell's was the Indian Dependency. If the one had to struggle with unwilling ministers at Home and a reaetionary ruler at Cairo over his great task of securing independence and constitutional Government for Egypt, the other has had likewise to struggle with Amery and Churchill—unwilling ministers doubtless in a sinister task that lay before him. It is fortunate that if Lord Allenby had to resign before he could secure his demands, Lord Wavell has got through them somewhat more easily. It was no wonder that under sueh circumstanees there should have been a consensus of opinion that a mere release of Gandhi was not enough and it should be followed by the release of the Congress leaders and by the reopening of negotiations with the Congress. It was stated on the other side "that an unrivalled opportunity lies before Mr. Gandhi to heal internal dissensions and to bring to India, where neeessary, war-time Governments more in keeping with popular sentiment. It is devoutly to be hoped that not only will Mr. Gandhi be fully restored to health, but that he will seize so magnifieent a chanee to serve the best interests of his country." These views of the *Times of India* were much better supported by those of the *Statesman* whieh had been strongly and even bitterly opposed to the poliey of the Congress during all those twenty-one months.

The *Statesman* says that not only will it please millions throughout India,

but, what is more important, it is also, in the circumstances now existing, ethically and politically right. Government's action is analogous in principle to previous release from confidence of lesser Congress personages and has no immediate political bearings, but its long-term potentialities in the political field seem good, for Mr. Gandhi, whose practical gifts as a politician are of a high order, must surely by now be well aware that the programme of Mass Civil Disobedience to which the Congress Party committed itself under his guidance at the war's gravest phase in August, 1942, was, if not morally wrong, at any rate tactically very faulty. Like Lord Wavell he has more than once shown himself a big enough man to admit publicly that he had made mistakes."

British and American opinion was more pronounced and more unequivocal on the urgent need to follow up Gandhi's release by a positive step to loosen the deadlock. The press and public men alike pleaded for a revision of policy.

In the midst of all this commotion in the Press, the *London Times* which varied its attitude during these 21 months from one of suppressed sympathy to one of lukewarm interest followed by growing hostility, not only chose to say nothing on Gandhi's release, but gave publicity to the mischievous reports of its Delhi corrspondent to which the following repartee was given by Thakkar Bapa.

Sri A. V. Thakkar, Secretary, Kasturba Gandhi National Memorial Fund, issued the following statement to the press on May 13 :—

> " My attention has just been drawn to a report appearing in the *Bombay Chronicle* from its London correspondent alluding to a comment published in the London *Times* from its New Delhi correspondent regarding the Kasturba Gandhi National Memorial Fund. The New Delhi correspondent of the *Times* insinuates that Mahatma Gandhi has accepted the Chairmanship of the Board of Trustees of the Fund with a view to reviving Congress Party activity. In spite of my experience of wanton misrepresentation of Mahatma Gandhi in the past, I was not prepared for this particular hit below the belt, so soon after Gandhiji's release on medical grounds.
>
> I wish to draw the attention of the public to the fact that the signatories to the appeal for the Memorial Fund issued on March 9th last had expressed the hope that after the termination of his detention Gandhiji would be in a position to function as Chairman of the Trust. Even the New Delhi correspondent of the London *Times* should therefore, know that the announcement made after a meeting of the trustees on May 10th to the effect that Gandhiji had consented to be the Chairman of the Trust was merely in fulfilment of the desire expressed in the original appeal two months ago.
>
> I would add that Gandhiji has personally been disinclined to take up the Chairmanship of this Trust and that it was only in deference to the wishes of the Trustees that he was good enough to give his consent. There is also no question of any need for Gandhiji to make special efforts to stimulate the collection of fund. The work of the collection is well under way and the correspondent concerned should again know that popular sentiment in India for the memory of the late Shri Kasturba has never been in doubt and the full amount of 75 lacs will surely be collected before October 2nd.
>
> I must also say that the aspersion that the various committees which are now busy organising the collection are acting as instruments for propagating the interest of the Congress is unworthy of a responsible

journalist and will rightly be resented by those large numbers of men and women of differing political views who have joined hands in the sacred object of perpetuating the memory of a lady who has enjoyed universal esteem in the country.

Gandhiji never stoops to the use of indirect methods for the propagation of his political views and ideals and his high sense of honour is recognised all over the world. Yet I trust that the *Times* correspondent will now see his way without delay to correct his original report and to remove the grave misunderstanding he is bound to have created among the millions of readers of his paper."

An authoritative glimpse into Gandhiji's mind when the order for his release from the Aga Khan's Palace exactly a year ago was communicated to him, is now available from a contribution made by Mr. Pyarelal, his Secretary, under the title "Last Day at the Aga Khan Palace" through the United Press of India.

Mr. Pyarelal says: For days and weeks before May 6 last year, the air had been thick with rumours about Gandhiji's removal from the Aga Khan Palace. The Inspector-General of Prisons, when he visited Gandhiji in the morning of May 5, was rather reticent and mysterious. He casually asked if in the opinion of the doctors Gandhiji was fit to undertake a hundred miles' journey by car or train, but would give no further information.

Gandhiji had repeatedly requested the Government to remove him from the Aga Khan Palace. The idea that he was responsible for the heavy expenditure of renting that big, though rightly termed by the *Times*, a shabby bungalow with a huge guard round about, hurt him deeply. "It is not their money they are spending," he exclaimed in anguish. "The money belongs to me—to the poor masses of India. It is criminal to spend it like this when millions are dying of starvation. And why do they want a huge guard? They know I won't run away."

According to the newspaper reports, friends had been agitating for his removal from that place, because of its association with the deaths of two dear ones. Then there was the question of the place being highly malarious and this was exercising the minds of the jail authorities. We all felt that a transfer was imminent. The atmosphere was tense. Would they remove him to an ordinary prison? Would they break up our party? Would Bapu's health be able to stand the strain of such changes?

These were questions that tortured everybody in the Aga Khan Palace except Bapu. He was worried about one thing only. He must cease to cost the nation so heavily. As for the question of release, it did not enter our imagination at all. We were all convinced that the Government would never release him on health grounds.

"At about 5 o'clock in the evening we were told to relieve the batch of convicts who every day came to work for us from Yerawada prison early. Soon after their departure, the I.G.P., followed by the Superintendent of the camp, walked into Gandhiji's room. After enquiring about his health, the I.G.P. told him that Gandhiji and the whole party were to be released unconditionally at 8 a. m., the next morning. Gandhiji was taken aback. "Are you joking?" he asked. "No, I am serious," replied the I.G.P. "You can continue to stay here for some time for convalescence if you like. The guard will be removed at 8 a.m., tomorrow and then your friends can visit you freely. Or you can go to your friends' place in Poona or to Bombay. Personally, I would not advise you to stay here. This is a military area and when crowds begin coming for darshan, etc., there might be a clash which you won't like."

Gandhiji had overcome the first shock by this time. He smiled and retorted in good humour—humour which he has always retained through thick and thin, "What about my railway fare if I stay in Poona for some time?" "You will have it whenever you leave Poona" replied the I.G.P. "All right, then I will stay in Poona for two-three days," said Gandhiji.

The Superintendent and the I.G.P. were the happiest men on earth that day to feel the burden of the heaviest responsibility off their shoulders.

The I.G.P. left soon after, and the rest of us went to have our evening meal, which was fairly early (between 6 and 7 p.m.) at the detention camp. When I returned, I found Bapu immersed in deep thought. He looked unhappy. Illness in prison he had regarded almost as a sin and he was disconsolate at the thought of his release on health grounds. Once he said: "Is it really on health grounds that they are relasing me?" But he immediately collected himself and remarked, "Well, it is only right for me to take their word at its face value."

We had made preparations for a seven years' stay in prison. Gandhiji had often told us that he did not expect to be released till some time after the end of the war. There were then no prospects of the war coming to an end in the near future and so he had come to the conclusion that we would be staying in prison for seven years, out of which we had completed nearly 21 months. So we had to pack up all that we had collected there for our long stay. The packing of books and papers and medicine bottles was the most taxing, the latter having accumulated during Ba's illness. Gandhiji's orders were that everything was to be ready before 8 a.m. "I won't give you a single minute after eight," he told us.

"While we spent practically the whole night in packing, Gandhiji lay awake in bed, immersed in deep thought. Every eye was turned on him. The country expected so much from him. How could he fulfil those expectations when he was going out on health grounds?

The morning prayers were held at 5 a.m., and everybody attended the prayers after a bath. After that, Gandhiji drafted his last letter to the Government from the prison, requesting them to acquire for him the plot where Ba and Mahadevbhai had been cremated. "That land has become consecrated and according to custom cannot be put to any other purpose," he said.

We paid our last visit to the *samadhi* as prisoners. There lay the two dear ones. I had been feeling that if only the release had come three months ago we could have taken Ba with us. Suddenly it struck me that Ba was after all a mother. She must have felt she could not leave Mahadev all alone for all time to come and so decided to stay with him. We placed our floral offerings there and after the usual prayers returned to the house. The barbed wire gate closed behind us and the sentry took his usual place. It was only 7-30. They were to guard us till 8 a.m.

At 7-45 a.m., the I.G.P. came. Gandhiji took up his stick to walk out. "No, Mahatmaji, wait a few minutes," he said,

We all waited in the verandah. At the stroke of 8, the I.G.P. led the way. He took Gandhiji and Dr. Sushila in his own car, the rest of the party followed in another. We passed out of the barbed wire exactly after spending 90 weeks in that place. The District Commissioner and the Police Commissioner had come to see us off.

As the Inspector-General of Police's car crossed the barbed wire the Police officer stopped it and, I learnt later, that it was to serve on Dr. Sushila a notice prohibiting her from communicating to any one the happenings

inside the Aga Khan Palace during the period of detention. Gandhiji asked her to sign it. " Why is not there one for me ? " he had remarked.

There was none. The authorities were afraid that he would refuse to go out if they served him with anything of that sort. The rest of the party coming after were also served with similar notices. They hesitated to sign them till some one reasoned out that after all to sign was not to accept the restrictions imposed. Gandhiji had not attached any importance to the prohibitory order. " The order is written in such wide and vague terms that they cannot seriously expect any one to obey it. We shall find out what it means." With these words, he later asked Dr. Gilder to get it defined by the Home Department of the Government of Bombay.

As the car drove up to Parnakuti Gandhiji became very pensive. He was thinking of Ba. It was she who had been so keen to get out of jail. She did get out of it before us, but that was not what she had longed for. "Yet I know she could not have had a better death," he murmured. "Both Ba and Mahadev laid down their lives at the altar of the Goddess of Freedom. And they have become immortal. Would they have attained that glory if they had died outside prison ? "

### Gandhiji's Release and After

Gandhiji's release was the signal for thousands of silent and helpless well-wishers of the nation to come forward with their respective prescriptions for the chronic malady of the body politic. But most of the recipes were meant to act upon Lord Wavell who by this time became established as an administrator with a personality—not a *nincompoop* nor a figurehead and rubber-stamp. It was reported in the press at the time of Gandhi's release that the Viceroy was not in Delhi and that his whereabouts were kept a closely guarded secret. Two weeks after the release, a canard in the Press went the length of suggesting that Lord Wavell had gone to England for securing the release and would be negotiating with the War Cabinet the solution of the larger problems of the Indian deadlock. The canard had two noteworthy features about it,—first it painted Lord Wavell as a man of action and secondly it indicated the measure of trust reposed in him by the public at large as one capable of big things. The release of Gandhi himself was a big enough affair. And to connect the event with the reported visit of the Viceroy to England had this much of romance in it—namely, that the procedure so imagined was closely modelled after that of Lord Allenbey who went to England, fought with the Cabinet and secured the release of Zaglul Pasha in 1922.

While appeals to the Viceroy constituted one set of prescriptions, others demanded that Gandhi should, after recovery, take an early opportunity to meet Mr. Jinnah. Gandhiji's answer to Allama Mashriqui's telegraphic request in this behalf elicited a prompt reply from Gandhi that his request of last year's to Jinnah stood and that he was always prepared to meet Mr. Jinnah. This gave an opportunity to the *Dawn*—Mulsim League Organ, to demand that Gandhi's letter to Mr. Jinnah dated 4-5-44 soon after his fast, through the Viceroy which was not sent to him at the time but the news and purport of which was intimated to Mr. Jinnah, be now published.

Mr. Gandhi's letter from the detention camp, Yeravda on May 4, 1943, reads thus :

> " Dear Quaid-e-Azam.—When sometime after my incarceration, Government asked me for a list of newspapers I would like to have, I included *Dāwn* in my list. I have been receiving it with more or less

regularity. Whenever it comes to me I read it carefully. I have followed the proceedings of the League, as reported in the *Dawn* columns. I noted your invitation to me to write to you. Hence this letter.

"I welcome your invitation. I suggest our meeting face to face rather than talking through correspondence. But I am in your hands.

"I hope that this letter will be sent to you and, if you agree to my proposal, that the Government will let you visit me.

"One thing I had better mentioned, There seems to be an 'If' about your invitation. Do you say I should write only if I have changed my heart? God alone knows men's hearts.

"I would like you to take me as I am.

"Why should not both you and I approach the great question of communal unity as men determined on finding a communal solution and work together to make our solution acceptable to all who are concerned with it or interested in it?—Yours sincerely, M. K. Gandhi."

It is difficult to understand why the *Dawn* should have set such a store by its publication. Obviously they on the other side knew its contents, must have known them, then and there—at any rate must have known that it did not concede the principle of Pakistan. If so, the problem should have been well on its way to solution if not solved by this time. The fact was that the times were not considered propitious for Mr. Jinnah. In the Punjab, things went wrong for him. The Government of India released Gandhi without so much as a previous—let alone consultation with him,—intimation to him. He had all along been saying: "Withdraw the August Resolution and write to me." Now what should Mr. Jinnah think of the Punjab Premier who had defied him and of the Government of India, rather, the Viceroy who neglected him? On the top of it, people were asking him to see Gandhi. Of course, it was not in his line of thinking much less acting, to call on Gandhi himself. He had not said a syllable on his wife's death, a courtesy extended to Gandhi by the Viceroy and the former Viceroy, Lord Halifax. Allama Mashrique who had all along been repudiating any political intentions, now come forward on the top of all these events with the suggestion somewhat emphatically made to Jinnah that he must see Gandhi. If at this juncture Gandhi's letter be published to which he made a reference in his telegram to the Allama, that would show—would it not—how non-committal it was? But the *Dawn* must have discovered on the contrary that the letter would not put Gandhi in the wrong. Indeed no one has succeeded so far in putting this "semi-naked Fakir" in the wrong. That is where he scores over others unwittingly. And as a matter of fact, it is he that has all along put others in the wrong. So does his letter dated 4th May, 1943 to Mr. Mohmed Ali Jinnah. To start with, Gandhi states he is a regular reader of the *Dawn* and through it, studied the proceedings of the League Conference at Delhi. He has noted Mr. Jinnah's invitation to him. He hastens to respond. The invitation is conditional. He sets aside the condition and plainly states that it is not easy to know what is in one's heart. "God alone knows" it. For the rest he asks "to be taken for what I am." He continued to be what he had all along been. What followed the prompt publication of this letter deserves a passing notice. The *Dawn* was disappointed and characterized "that letter" as a "dead letter." Were they expecting that Gandhi had conceded the principle of Pakistan and that it was *satanic* because Gandhi did not concede the principle. Therefore a new approach was pleaded for by the *Dawn*. Nor did Mr. Jinnah have anything to say on the subject. As usual he would take his own time to move in the matter.

There were not, however, factors and forces wanting in the country amongst cultured and responsible Muslims of the nationalist bent of mind, that stood four square against reviving by such talks the moribund cult of Jinnahism. Professor Majid who is one of such, published at the time a strongly worded letter in this behalf.

The All-India Muslim Majlis was the latest to step into the field though at its inception Dr. Latif said that it would be better to remain in the League and work from within.

Gandhi's release began to engage the attention of the Commons. Mr. Shinwell spoke of it as a temporary release.

Inconsistent and even paradoxical as it may seem at first sight, there was nothing inscrutable in the use of the word "temporary release" by Mr. Shinwell after its declaration to be unconditional. "Temporary" relates to time. "Unconditional" relates to conduct. Government made no conditions with Gandhi but men like Shinwell who used the word "Temporary" obviously knew Gandhi's temperament better than most Indians knew who resented such language. Gandhi was not the sort of man to take restraints and restrictions on his liberty lying. In the fulness of time, he would doubtless write to the Viceroy, disclosing his mind and making his proposals—it might be for meeting the Viceroy, it might be for meeting the Working Committee, and in the absence of a satisfactory reply, he would smoothen his way back to jail. Already he was told by Government that any statement he might like to send to the *News Chronicle* in response to the Editors' invitation would not be allowed intact but might be censored. That was the first rebuff. The next might be in reply to his proposition to the Viceroy and that would decide whether his release was to be temporary or otherwise.

Apropos Gandhi's declining to make a statement regarding his life in detention and his views on the pesent situation unless assured that there would be no mutilation, it transpires there has been no special discrimination against Mr. Gandhi's statement but the authorities appear to have refused to give the assurace that his message going out of India would not be censored under the ordinary censorship rules.

The position, however, was that all letters and telegrams leaving India were censored and the authorities seem unprepared to waive this practice in the case of Mr. Gandhi's statement.

Mr. Gandhi, in an interview with the Bombay correspondent of the *News Chronicle*, London, gave a cryptic two-lines answer to seven questions submitted to him regarding the charge contained in the Government of India's official pamphlet entitled "Congress Responsibility for the Disturbances 1942-43," published in February, 1943.

Said Mr. Gandhi with great emphasis : "I have complete and categorical replies to all the charges. As soon as I get well and if I am left free I shall deal with the questions put."

The questions referred mainly to two charges levelled in the official pamphlet : (1) that Mr. Gandhi, before the August 8 Resolution, "had already expressed the intention of negotiating with Japan" ; (2) that the Congress was "a clique which it has already been shown to be thoroughly defeatist in outlook." The references occurred on page 11 of the pamphlet. It was pointed out in the questions that on these two charges the feeling was based that Mr. Gandhi was pro-Japanese and that the disturbances following his arrest showed "previous preparation."

Mr. Gandhi, who, it was obvious was deeply hurt and angered by these charges, appears fully determined to clear himself and the Congress of these

accusations before world opinion. It is significant that in his answer he refers to his continued freedom after recovery of his health as hypothetical.

In view of the official statement that Mr. Gandhi's release is "solely on medical grounds," it is reliably reported that the Congress leader on his recovery may invite the Government of India to re-intern him.

It is interesting to note that Lord Halifax who was made an Earl on June 8, 1944 was adequately rewarded for all his labours as the loud speaker in U.S.A. of " His Master's Voice " in Britain. It will be remembered that on the very day that Gandhi and the Working Committee were arrested (9th August, 1942) Lord Halifax made a statement and right enough on the day on which Gandhi was released (though on medical grounds), namely 6th May 1944. Lord Halifax, in the course of a speech at Washington said that the Atlantic Charter contained nothing that had not been British policy for half a century.

" Simple self-determination," he added, "would not work in the cases of Palestine and India because of the existence of religious and racial problems."

On page 296 of Apperson's English Proverbs and Proverbial Phrases appear these lines : " From Hill, Hull and Halifax, Good Lord deliver us." The first date given for the quotation is 1594. This little note is in honour of Halifax in 1944, 6th May.

At this point we may appropriately review the political position in the country as one might see it from a distance or preferably from a height. The political situation, was somewhat eased by the release of Gandhi. It is one of nature's tricks that as the dawn heralds the rise of the Sun in the East, the Moon tends to sink below the horizon in the West. It was a strange coincidence indeed that events in the Punjab should have been clinched by and have culminated in the triumph of the Premier and a thumping—it might be only for the time—reverse or the Quaid-e-Azam. Mr. Jinnah's determination to measure swords with both the Viceroy who had spoken on geographical unity of India and the Governor of the Punjab who had exhorted all forces to rally round the Punjab Premier, was foiled and he was worsted in the fight.

A second feature was the appointment of Sir Ardeshir Dalal to the Executive Council of the Governor-General, when he was individually the author of a pamphlet on an alternative to Pakistan and jointly a signatory to the fifteen-year plan both of which were declared by the League Leaders to be against the League Plan and League Interests.

A third event was the conversion of the National War Front into a National Welfare Front with an Indian as President in place of Mr. J. Griffiths, who was a retired I.C.S. and had made a reputation of his own in Midnapore.

The impatience and importunity with which public demand had been made for the release of Gandhi and the Congress Working Committee which found vehement expression in India and reached its climax in the representation by 114 editors in India and 28 editors in Britain, were accentuated by the release of Gandhi, on the ground, as many put it, that the release would pave the way for Hindu-Muslim Unity, the solution of the deadlock and co-operation in war effort.

Mr. Amery, replying in the House of Commons on June 15, to an inquiry whether, in view of the freedom now enjoyed by Mr. Gandhi, the present detention of Congress leaders was likely to be reconsidered, declared :

> " The release of Mr. Gandhi, which was ordered solely for reasons of health, has no bearing on the continued detention of Congress leaders. The number of persons remaining in detention on May 1 was 3,508."

It was interesting for the members of the Working Committee to watch from inside their places of detention these well-meant but ineffective struggles of outsiders for the settlement of the problems by a short cut and they sat non-chalant in their guest homes with the thought which in Splenger's words in *Man and Technics* runs as follows :

> " We are born into this time and must bravely follow the path to destined end. Our duty is to hold on to the lost position without hope, without rescue, like that Roman soldier whose bones were found in front of a door in Pompeii who during the eruption of Vesuvius died at his post because they forgot to relieve him. That is greatness. That is what it means to be a thoroughbred. The honourable *end* is the one thing that *cannot* be taken from a man."

Only the tranquillity of the thought was rudely disturbed by a letter published in the Press in the middle of June 1944 which purported to emanate from the pen of Dr. Syed Mahmood, ex-Minister of Education, Bihar and was addressed to his Communist son in Patna. It purported to convey the opinion from inside the fort regarding its anti-Japanese character. Unfortunately, however, there were two versions of it—one containing *I* and the other *We* (Italics ours—Ed.) But Dr. Syed Mahmud himself did not appear to feel that '*we*' misrepresented him or his colleagues. The letter was the subject of comment by outsiders (as we learnt later) to the effect that " these men are cracking" and also it became a subject of comment (as we heard later) on the radio. It should have gladdened the hearts of the Bureaucracy to hope that the crack would soon become a breach.

Over three weeks had elapsed since Gandhi was released. Wild were the speculations during those three weeks regarding his future moves. One such guess was that he would make a statement at the end of May which might lead to the release of the Congress leaders. Some even thought that he might withdraw the Bombay Resolution. But Gandhi was firm as a rock and on May 31, Gandhi released his letter to Dr. Jayakar, which runs as follows:

JUHU, May 20, 1944.

Dear Dr. Jayakar,

The country expects much from me. I do not know how you feel about this release. I am not at all happy. I feel even ashamed. I should not have fallen ill. I tried not to, but failed at length. I feel that they will imprison me as soon as I am declared free from the present weakness. And if they do not arrest me, what can I do ?

I cannot withdraw the August Resolution. As you have very properly said, it is innocuous. You may differ about the sanction. It is the breath of life for me. I am silent till 29th. Meanwhile, shall I send Pyarelal to you ? That too depends upon your health, I know you are none too well.

Yours sincerely,

(Signed) M. K. GANDHI.

In inviting Liberal leaders like Sapru and Jayakar and Sastriar for friendly consultations and advice, Gandhi was only discharging his urgent duty to these truly " eminent and able " politicians who had stood by him and the Congress throughout this period of wellnigh two years. This time the Liberals, the All-Party Leaders and the Non-Party Leaders and the Indian Christians and the Jamiat-ul-Ulema (the last two as ever before) stood by

the Congress. Gandhi's letter to Dr. Jayakar stating that he cannot withdraw the August Resolution was published in *Birmingham Post,* which says: "Such influence as Mr. Gandhi could have used for good, and at one time seemed willing to use for good, he formally disclaims. His influence for evil must always be kept in restraint—but always in such fashion as to prevent him from becoming the martyr he seems to aspire to be. In a word, the wise plan would appear to be to leave Mr. Gandhi at large, providing only that he does not use his freedom to become once again what he was before his last imprisonment—an active menace to India's peace and good order. The less his influence in India now, the better for India, and a certain grave responsibility may attach to the elements in Britain which, on the not unreasonable ground of admiration for Mr. Gandhi's personal qualities, continue to insist on his influence. Constructively it might perhaps be suggested that Government could help the ending of the Gandhi myth by taking more seriously some Hindu leaders whom Mr. Gandhi has always overshadowed—Rajagopalachari is the name that first occurs though there may well be others."

From this letter which was never meant to be published, it is evident that it contained nothing to be concealed. Sooner or later, the world and the Government of India must know what Gandhi had in his mind. To those that knew Gandhi intimately, it should have been clear as daylight that he would not recede one jot or title from the August Resolution of Bombay, 1942. In the letter under reference after making a preliminary reference to his illness, which by this time, became far more severe and serious than Gandhi's cheerfulness or the levity of a section of critics outside might have led one to believe, Gandhi proceeded to refer to the aforesaid Resolution, the withdrawal from which, if not of which (individually) was demanded by Lord Wavell. The Rt. Hon'ble Mr. M. R. Jayakar's characterization of the Resolution as " innocuous ' was quoted in the letter printed above.

Hardly had the letter been published, when public mind was greatly exercised over its contents and over the definite opinion expressed therein on the crucial question of the day. The release had raised hopes—not of a withdrawal and surrender and exit of prisoners by the back door, but of some device which Gandhi also could contrive by which without humiliation to either side, Gandhi could effect the release of the Congress leaders and a simultaneous settlement of the vexed question of the deadlock honourable to both sides. If that was the measure of confidence, the Indian public had in Gandhi's capacities and resources, why could the same public not exercise sufficient patience based upon such hopes instead of expressing impatience rooted in fears? Did they, frankly speaking, expect Gandhi to withdraw the August Resolution of 1942 and straightway cause Congress to committ political *harakiri*? No, they believed that a *via media* would be discovered. If so, the discovery must be made by a joint effort of Gandhi and Government and until then the two parties would remain in their respective positions as they were on the 8th of August, 1942. From that position, Gandhi would address, as he would have addressd 2 years previously, a letter to the Viceroy and then should evolve a course of action leading to some kind of understanding. But there were some who honestly thought, though perhaps erroneously, that the situation on the 1st of June, 1944, was quite different from that of August 8, 1942. Then it was feared that a multipronged, large scaled, Japanese invasion of the country, might be impending. Now it was only a threat of attack, the measure and manner of which were well known to be on a limited scale. Apart from the scope for difference of opinion on this latter point, the fact remained that so far as the Congress

was concerned, this body never banked its hopes, or laid its plans on the off-chance or near prospect of a Japanese attack on India—small or large, local or extensive. To the Congress, the question was one of creating the necessary conditions of background and foreground which would enthuse the nation to a high degree of war effort, and enable the leaders to extract from the people their highest measure of service and sacrifice. That problem, that aim and that purpose, remained the same in June, 1944 as in August, 1942 or April, 1942. Whether Gandhi started aright or not should not be judged from the contents of this letter and rightly was its publication prefaced by Secretary Pyarelal's warning that no deeper meaning should be read into it, considering the fact that it was a private letter to a friend not meant for publication. To read such a letter written on the spur of the moment, short, cryptic and personal, as if it were a communication addressed to the Viceroy were unfair to the author as it was unjust to the context.

It was early recognized in Britain and America, however, that the release of Gandhi could not be merely dismissed as the release meant to prevent an old man from dying under Government's care. Gandhi's restoration to the chess-board of politics is like the restoration of the castle on to the board when the last pawn has reached the house of the castle ; and then the castle works wonders. So too did Gandhi by his power to move to the right, to the left and to the front, any number of " squares " (house) according to the requirements of the occasion. His first move was the publication of his letter. His second move was to circulate the correspondence between Lord Wavell and himself between January and April, 1944, *i.e.*, during the four months preceding his release on May 6th (1944) along with other papers.

There remains the correspondence that passed between Gandhi and the Government of India. This began in July, 1943. Gandhi broke his fast on the 3rd March, 1943. The pamphlet of " Congress Responsibility for disorders " was published on the 22nd February at the height of the Fast when Gandhi's life was hanging in the balance. Two days after he had broken his fast, he applied for a copy of the pamphlet and got it in the month of April. After laborious search and reasearch, Gandhi prepared his reply in July and sent it to Government of India who slept over it till October when Sir Richard Tottenham's insulting and offensive reply was sent on the 14th October. By this time, Gandhi's letter to Lord Linlithgow had been received and replied to and there is every reason to believe that that letter stimulated the departing Viceroy to direct a rejoinder to be sent to Gandhi's reply to the pamphlet. And as one could only expect it, the rejoinder was in right royal Linlithgow tone and spirit.

The correspondence is of interest only to this extent that Gandhi directly reiterated his request to be permitted to contact the Working Committee. In his letter dated October 26, 1943, he said :

> "My talk with them might have some value from the Government standpoint. Hence I repeat my offer. But it may have no such value so long as the Government doubt my *bona fides*. Aa a Satyagrahi, however, inspite of this handicap, I must reiterate what I hold to be good and of immediate importance in *the terms of war efforts*."

If Gandhi sent his reply in July, it was not as if he was losing time in discharging so urgent a duty. The duty was not merely urgent but involved laborious work in collecting and collating various detached articles, interviews and statements from all of which detached sentences had been taken by Government and adopted as charges. Apart from this fact, Gandhi was engaged in preparing replies to Sir Reginald Maxwell, Lord Samuel and Mr. Butler correcting the serious errors on which they had based their

speeches in the Central Assembly in India and in the Lords and the Commons in the years 1942 and 1943 on the political situation or on Kasturba's illness.

The correspondence throws a flood of light on important points emanating from both sides. There are—as there must of course be—in it points of agreement as well as of divergence of view. Both sides agree that India should be friendly to Britain all of which, however, was published by Government themselves in a collected form. Both sides agree that this friendliness must fructify into co-operation in war effort. Gandhi on his part wholly suppressed his personality in his letters and spoke only as the accredited representative of the Congerss. Wavell spoke as the Viceroy in the fullest sense. Wavell urges co-operation. Gandhi agrees. But co-operation means different things to the two mighty combatants. To Gandhi, it is co-operation on equal terms with the British. To Wavell it means co-operation in a subordinate capacity. Equality is not a mechanical or algebraical entity. It is a psychological fructification of a sense of trustfulness. Trust alone begets trust and mutual trust promotes mutual regard which is the foundation and proof of equality. On Wavell's part, His Excellency repeated the two hackneyed charges "that India lost confidence in British ability to defend India and was prepared to take advantage of our supposed military straits. The shrewd statesman that he was, Wavell should have discerned the obvious inconsistency between the two charges. Those who lost confidence in Britain's capacity to defend got nothing by a bargain with such Government. A story is told of how a rich man of Tarantum wanted to enter into a bargain with the Devil—namely, that if he was made the richest man in the country, he would exchange his soul with the Devil's. The Devil declined the offer saying that if he were to be the richest man he would not have a soul. What should the Congress gain by entering into a bargain with a power whose capacity to defend the country it had no faith in? That the Congress said so is a fact. The Congress had no faith in Britain's capacity to defend India even as she could not defend Burma, Malaya and Singapore by herself and without the aid of the people of the country. That was why the Congress offered help—moral and material, on condition that Congress herself would be placed in such a position as would enable it to enthuse the people. That position was one of freedom and equality—not subjection and slavery. To grant such freedom to a subject nation—India, would be to quit India —i.e. to give up the power hitherto exercised by Britain over India. That was the least India would and did demand in being asked to participate in war effort directed towards resisting the Japanese yoke—and with it the British yoke.

With the grant of freedom follows the identity of economics and politics. Hitherto, British Government had undertaken to do all things for the ward, think for him, work for him, plan for him and defend for him. But these paternal and patriarchal undertakings would be out of place when the ward was claiming freedom and in the result, claiming to think and act, to plan and defend for himself. Lord Wavell's anxiety, therefore, to proceed with the economic rehabilitation of India while yet she was awaiting freedom was only to pursue the beaten track of Imperialism. One would be inclined to laugh at the Viceroy and his colleagues girding up their loins to cure the malady of inflation, to get a just settlement of the Sterling debt of Britain to India and to resist the revision of the financial adjustment between India and Britain in regard to war expenditure. Lord Wavell had, however, the courage and honesty to admit face to face, to Gandhi that he does not accuse him or the Congress "of any wish deliberately to aid the Japanese."

This was a deviation from the clumsy and crooked charges brought against both by Lord Linlithgow and his colleagues and his boss, Mr. Amery. But apart from all these details, there remained the fact that Gandhi requested Lord Wavell to put him into touch with the Working Committee, but this request was not even referred to in the Viceroy's reply dated 28th March, 1944. It is a matter of elementary commonsense that as pointed out by Gandhi, decisions reached by common consent by a public body, could not be annulled by any individual and that the question of conscience could not arise as pointed out by the Viceroy. As a matter of fact, Government were about to take Gandhi to the Working Committee and he was due at the Ahmednagar Fort on the 5th May, 1944. But illness intervened and Gandhi was released on the 6th May. Not, therefore, till Lord Wavell and his masters at Whitehall agreed to such a course and gave up the "sinister and poisonous meaning " they had attributed to Gandhi's call to Britain to "Quit India" could there be any readjustment of relations between Britain and India on the basis of a genuine "give and take" and certainly not on the basis of " all chaff for me" or "all the blows are yours and all the spoil is mine."

Lord Wavell banked upon the co-operation of the majority of the Indian population. That co-operation is not of the Indian population even if it be of a majority but of people who are too poor, too ignorant and too timid to resist the approaches of Government officers. Really, however, is it a majority let alone the question of co-operation ? If so, why is Lord Wavell unwilling to hold elections to the Legislatures ? The truth was revealed by Sir Firoz Khan Noon when on the occasion of his address to the Royal Empire Society in London as a War Cabinet Member in reply to a query from an elderly gentleman as to why general elections were not being held in India he said frankly, "because Congressmen would be returned." That is the Truth. Truth comes not merely out of the mouths of babes but also out of the mouths of the prize boys of the Bureaucracy. Lord Wavell as a man of shrewdness and wisdom ought to have known, and doubtless knew, that Congressmen had the majority of voters on their side, not Government. While this is the truth about "majority" the realities about 'co-operation' also should have been considered. Lord Wavell desired the co-operation of the party which represented a measure of ability and highmindedness. In reply Gandhi invited co-operation from Government with the representatives of the people. If, as has been just pointed out, the majority of the voters were on the side of the Congress, co-operation was due from Government with the representatives of the people who ought to be and always are the natural leaders of the country. But there was danger that in the process principles would be whittled away. Thus there was doubt that if the "Quit India" Resolution could be accepted and acted upon, it would have immense world-wide significance. It would be proof of bold imagination and would show that Britain had accepted the war for what it was, had renounced Imperialism which was a cause of war and so, Mr. Gandhi's phrase have made real war effort in a war to end wars. If it is, however, said that "contemporary circumstances again intrude" the answer is that to Gandhi, the philosopher and idealist, contemporary circumstances can never stand in the way of the observance of eternal principles."

That was not all. The Resolution of August 1942, was declared by the *Statesman* (India) as, though not morally wrong, yet tactically inadvisable. And commenting on the correspondence between Lord Wavell and Gandhi between February and April 1944 the *Statesman* wrote referring to the meaning given to "Quit India" by Gandhi as "charged with the friendliest feeling for Britain in terms of the whole of humanity." "But many people who are not

specially interested in India have lately come to feel like Mr. Gandhi that the leaders of the United Nations are slow in realizing that the war is not an isolated phenomenon but a symptom of world change which may be guided in two ways,—the totalitarian or the democratic or not guided at all, in which event other wars will almost certainly follow. Since the Atlantic Charter, there has been no proclamation of equal imagination and score. It is important to get down to details."

## CHAPTER XXV

### Wavell Doctors.

The pace at which the Government of India moves is that of a snail while the direction is that of a crab. It is neither quick nor correct. It reminds one of what W. J. Brown, M.P. said in the Commons in March 1943, on the question of the reform of the Foreign Office. In attacking the proposals of the White Paper on the subject, he said : "This document represents to my way of thinking a classic example of the conservative political methods in action. May I define it for the benefit of this House and posterity ?" It is the conservative method No. 1: 'Do not move unless you are obliged to.' No. 2 : 'When you are obliged to move, move as little as you can.' No. 3 : 'When you do move, make it appear you are doing a favour.' No. 4 : 'Never move forward but only sideways.' This is exactly what this document does." And what do the Government of India do ? First in October 1939, they stated, when required to declare their war aims that they had not defined them themselves in Europe and much less could they define them in their application to India. This is No. 1, *i.e.*, not moving at all. Then came stage No. 2 of moving as little as they could in August, 1940 when they said they could do nothing without the assent of a hundred million Muslims, a fifty million group of Harijans and the Indian States but that they would try to Indianize the Viceroy's Executive Council. This was not agreed to and Individual Civil Disobedience stepped in with the result that stage No. 3 came in and Cripps was sent to India when Government appeared to be doing a favour by offering to confer Dominion Status on India with the right to determine her own attitude towards the Commonwealth or Empire or Empire and Commonwealth. Then there were the proposals regarding the States in which figured the Princes and not the people, the right of a Province to cut out of the Indian Union and the reservation of the Defence and War departments under the Commander-in-Chief, and then the show of favour of a Constituent Assembly. These were rejected and followed by the stage No. 4 in which Government began to move not forward but sideways. In July 1941 and 1942 and 1943, there was an expansion of the Indian element in the Viceroy's Executive Council in instalments. When the last expansion took place, the *New Statesman and Nation* (May 8, 1943) wrote as follows :

> 'The Viceroy has now filled the vacancies in his Council caused by the resignation of several of its Hindu Members during Mr. Gandhi's fast. The new comers are not an impressive team, but the most significant point about them is that the composition of the Council now realizes Mr. Jinnah's ideal of parity in numbers, between Muslims and Hindus. When once this precedent is established, it will be claimed by the minority community as a vested right. This seems a reckless innovation."

The Indian problem proved to be a multilateral one involving more than one party, each of which centered round a personality although it was really a unicentral one, entailing on the British surrender of their power. The latter had worked up the country to such a pitch that not only did they create fissiparous conditions but almost succeeded in accustoming the people to the thought—if not convincing some of them that unbridgeable chasms exist between community and community, minority and majority and Princes and

people. When therefore Gandhi was released on May 6th and set about probing for a solution of the deadlock, he as representing the Congress had to deal with Lord Wavell acting for the British and Mr. Jinnah acting for the League.

Lord Wavell in his correspondence with Gandhi in prison stated somewhat self-complacently that he was getting the co-operation of the majority of Indians. It will not do for us to characterize what this co-operation was like. We shall take the verdict of the *New Statesman* (April 22, 1944) again which emphasized the urgency of granting amnesty in India and transferring the India Office to the Dominion Secretary. In the correspondence, however, with Gandhi, Lord Wavell got hold of the wrong end. He wanted Gandhi and the Working Committee to take the initiative. No doubt he had given up the *Tottenhamese* of 'sack cloth and ashes' of regrets for the past and guarantees for the future and in his communication written to Gandhi, had stated as follows : (dated 28th March, 1944)

> "I believe that the greatest contribution that the Congress Party can make towards India's welfare is to abandon the policy of Non-co-operation and to join wholeheartedly with the other Indian parties and with the British in helping India forward in economic and political progress. I think that the greatest service you could do to India would be to advise unequivocally such co-operation."

Again it may be recollected what Lord Wavell had said in his speech to the Legislature on the 17th February, 1944, his first political utterance. He had clearly stated that "he could not advise the release of the members of the Congress Working Committee as long as the policy of non-co-operation and even of obstruction was not withdrawn." Nearer 'home', there emanated an observation in London in 1943 by Sir Reginald Dorman Smith, Governor of Burma who explained how the poeple of South East Asia viewed the British attitude. "Neither our word nor our intentions are trusted in that part of the globe. The reason for that is not far to seek. We have fed such countries as Burma with political formulas until they are sick of the sight and sound of formula which had come to be looked upon as a British means of avoiding a definite course of action."

It was while matters stood thus that Gandhi wrote a letter to Lord Wavell on the 17th of June (40 days after his release) and suggested that he be given permission to interview members of the Working Committee or if that could not be done, to grant him an interview (with the Viceroy) obviously to convince him of the necessity for his meeting the Working Committee. Lord Wavell declined the request and suggested that Gandhi might write to him when he was fully recovered, if he had any new points of a constructive character, to suggest. This reply did not take India by surprise at all for had not Mr. Amery given the same reply in the Commons on May 4th to the effect that he could not permit Gandhi meeting the Working Committee ?

It has been the practice of Gandhi whenever he was released from prison, to take the initiative in respect of measures intended to break the deadlock which had occasioned his imprisonment or unravel the tangle which had led to a movement of Satyagraha under his guidance and leadership. Those who are acquainted with the history of the Congress, must be well aware how when Gandhi and his 26 colleagues were released on the 26th January, 1931, after the Salt Satyagraha movement, Gandhi wrote a letter to Lord Irwin on the 13th February asking for an interview with him as *man to man*. History has recorded the profound success that came in the wake of that interview.

Even so Gandhi wrote to Lord Wavell on June 17th asking for an interview with the Working Committee or with him 'if you will see me before deciding.' Here is the letter :

"Nature Cure Clinic,
6, Toddiwala Road,
Poona, June 17th 1944.

Dear Friend,

But for the fact that this letter is along the lines of your preoccupation I should not have troubled you with any letter from me.

"Though there is little cause for it, the whole country and even many from outside expect me to make some decisive contribution to the general good. I am sorry to say my convalescence threatens to be fairly long. Even if I was quite well, I could do little or nothing unless I knew the mind of the Working Committee of the Congress. I pleaded as a prisoner for permission to see them. I plead now as a free man for such permission. If you will see me before deciding, I shall gladly go wherever you want me to, as soon as I am allowed by my medical advisers to undertake long distance travelling.

"I have circulated among friends, for private use, copies of the correspondence that passed between the authorities and me during detention. I do feel, however, that in fairness to me Government should permit its publication in the press.

"My address will be as above till 30th instant.

I am,
Yours Sincerely
M. K. Gandhi''

To this letter Lord Wavell sent his considered reply on the 22nd June, 1944 which runs as follows :

The Viceroy House,
New Delhi,
22nd June 1944.

Dear Mr. Gandhi,

I have received your letter of June 17th. In consideration of the radical difference in our points of view which appeared in our recent correspondence, I feel that a meeting between us at present could have no value and could only raise hopes which would be disappointed.

"I am afraid that similar considerations apply to your request to see the Working Committee. You have recently made public your adherence to the 'Quit India' Resolution which I am afraid I do not regard as a reasonable or practical policy for the immediate future.

"If after your convalescence and on further reflection you have a definite and constructive policy to propose for the furtherance of India's welfare, I shall be glad to consider it.

"Since you have circulated, without any reference to me, the correspondence which passed between us and it has in consequence appeared in the press, I have given instructions for the publication of the whole of the political letters which were written during your detention.

Yours Sincerely,
Wavell.

It seems to be the habit of Lord Wavell if he may be judged from his letters and his speeches that he makes up his mind fairly fast but does not seal it against further influencing. When on February 17th (1944) he spoke before the Central Legislature, he said that the thoughts then expressed were his first thoughts and that he was open to suggestions. Here too dwelling upon "the radical difference in our points of view," and stating that "a meeting between us could have no value," he concluded by making a graceful

reference to Gandhi's convalescence and asked for any "definite and constructive policy" he might have "to propose on further reflection." Gandhi did not take long to reflect. There are no devious ways to explore, no intricacies of politics which he is not able to approach along the straight paths of Truth and overcome by the simple strategy of Non-violence.

A new chapter in the history of India and of the Congress had opened with the release of Gandhi. Much was expected of him by both sides—the people and the Government. The former expected him to exercise his magic wand and convert their state of depression and sense of frustration into a state of hope and faith. The latter expected him to surrender his profound sense of self-respect—individual and national, forswear his life-long principles of Truth and Non-violence and offer abject co-operation in non-political spheres of national welfare as the defeated party. To his people Gandhi stated that he had neither the Philosophers' stone that converted the baser metal of his weak and depressed following "with little faith" into gold nor the elixir of life which would put strength and courage into their flagging spirits. To the Government he was equally frank and unequivocal. He reasserted the philosophy of his life, a life based and built upon the bedrocks of Truth and Non-violence which sought expression through Civil Disobedience and non-violent non-co-operation, weapons open to every citizen however humble, and at all times however difficult. The advice to the people in the closing words of the Bombay Resolution remained, namely, that when the leaders were taken away (if and when the movement had been inaugurated) each man and woman would become his or her own leader. True it was that Civil Disobedience required a certain atmosphere and if that was not possible, there was non-violent non-co-operation open to everyone. At the particular moment, thought Gandhi, people were hemmed in by evil and non-co-operation with evil was always a duty before them. A huge burden got on their backs and that weight must be got off. Co-operation in the non-political domains of food and economics was not possible. Only a National Government could achieve those high and mighty purposes. As for the Government's expectation that Gandhi should withdraw the August Resolution, express condemnation of the acts of violence in the past and give assurances that he would not restart Civil Disobedience during the tenure of the war, his answers were explicit and categorical. The August Resolution consisted of two parts—the national demand and the means of attaining it. For all the world, Gandhi would not abate the National demand by a jot or tittle. Transfer of power through a National Government is the *sine qua non* of a good understanding between Government and the Indian nation. As for the means, Gandhi made it clear that his representative character and Generalship of the movement ceased with his imprisonment, that he could only speak to his audience as an individual and that not even as a Congressman, for he had ceased to be one since 1935 although he had a big place in the hearts of his countrymen. The authority given him had lapsed on account of his imprisonment. He could not judge his countrymen or their alleged acts of violence; for judgment, he must have obviously thought, could not be unilateral. Government would be as much in the dock as the people. And to rake up old sores was good for neither. Apparently he remembered Lord Irwin's advice and exhortation to him in 1931 during the progress of the Gandhi-Irwin negotiations when the former demanded an enquiry into Police Excesses. Lord Irwin said : "Do you think I am not aware of them? An enquiry would only rouse passions on both sides and disturb and destroy the chances of that peaceful atmosphere for which we are striving, by each side seeking to marshall its evidence." And when Gandhi laid further emphasis on his demands Lord Irwin asked

"Mr. Gandhi, do you want to humiliate me?" That was the end of the demand. It was in this spirit probably that Gandhi would neither condemn the alleged popular excesses nor perhaps ask for the investigation of Government's leonine violence. But he was equally emphatic in his warning to his countrymen that he would not countenance any the least trace of violence in his followers. It was thus that Gandhi made his position clear: (1) that he had never started Civil Disobedience, (2) that his authorization in that behalf and his generalship ceased, (3) that Civil Disobedience always required and implied an *atmosphere* (which was wanting at the time), (4) that non-violent non-co-operation with evil was always open to the people, (5) that he could not take it upon himself to judge the conduct of the people in the past, (6) that he should warn the people against violence in the future, (7) that he could not abate or whittle down his national demand and (8) that no co-operation was possible in non-political spheres, without a National Government which alone would make co-operation possible in political no less than non-political affairs. These thoughts were expressed in an address to the Maharashtra representatives who met Gandhi in Poona and they constituted virtual reply to Lord Wavell's letter dated the 22nd June answering his own of June 17. Just at this time there was a small but significant amendment of the Government of India Act of 1935 so as to enable the Viceroy and the Commander-in-Chief to go on leave more frequently than once in five years which the Act provided for.

Five weeks had elapsed since Gandhi was released. The world was on the tip-toe of expectation that he would use his wonderful resources to evolve a formula which might ease the deadlock, that he would say something to clear the way for fresh pourparlers. This he did on the 9th July, 1944. He gave an interview to Mr. Gelder of the *News Chronicle*, not for publication in India but for communication to the Viceroy in Delhi. In this interview which, however, was prematurely published in the *Times of India*, Gandhi, said :—

> "I have no intention of offering Civil Disobedience today. I cannot take the country back to 1942. History can never be repeated. Even without the authority of the Congress, if I wanted to do it I could start Civil Disobedience today on the strength of my supposed influence with the masses, but I would be doing so merely to embarrass the British Government. This cannot be my object."

Gandhi further said that there was a difference between what he would ask today and what was asked in 1942. Today India would be satisfied with a National Government in full control of the civil administration. This was not the position in 1942. And also Gandhi said :

> "I have to take up the thread that was broken by the Government in 1942. I was first to negotiate and, on failure, to offer Civil Resistance, if I thought it necessary. I wanted to plead with the Viceroy. I can only do so when I know the Working Committee's mind."

On the question of the misfire of his interview with Mr. Gelder, Gandhi said :

> "I passed nearly 3 hours with Mr. Gelder distributed over three days in order that he might know the whole of my mind. I believed him and still believe him to be a well-wisher of India as he is a lover of his own country and I accepted his word entirely when he told me that he approached me not as a journalist principally but as one desiring to see that the deadlock was resolved. While I declared my views with absolute freedom, I told him that his first business should be to go to Delhi and if he could reach the Viceregal throne, he should see the Viceroy and give him what impressions he had gathered. Having myself failed

to get an interview with the Viceroy, I felt that Mr. Gelder being a reporter of a prominent English daily might be able to serve the cause. The publication, therefore, at this stage of an abstract of two interiews seems to me to be misfired. I therefore propose to give you two sets."

After handing over two authorised statements, Mr. Gandhi observed : "Throughout these interviews I have not spoken, as a Hindu. I have spoken as an Indian first and last. My Hinduism is my own—I personally think it embraces all faiths. Therefore, I have no authority to speak as a representative Hindu. That I respond to the mass mind and the masses know me instinctively is a fact which cannot be gainsaid but I have not built my case upon it.

"As a representative of stayagraha, as I know it, I felt it my duty to pour out my heart to an Englishman who, I thought and still think, is a sympathetic listener, and I claim no further authority for my views. I stand by every word that appears in the two statements I have given to you, but I speak on behalf of no one but myself."

Owing to bad weather Mr. Gandhi had to lie at full length on a cushion all through the interview with the journalists today. He said he was at Panchgani "trying to rebuild my broken body." He continued :"If I had not seen you all these days it was because I was also prompted by regard for my health. I want to get well quickly and be in full working order. But things are so shaping themselves that I might not be able to carry out that wish. The statements being before the public, I have to watch reactions and deal with misunderstandings. I do not expect that I shall want to deal with criticism at all, but insofar as there is misunderstanding I will have to remove them if I possibly can."

The following are the main points in Mr. Gandhi's two statements :

(1) Mr. Gandhi could do nothing without consulting the Congress Working Committee.

(2) If he met the Viceroy he would tell him that he sought the interview with a view to help and not hinder Allied war effort.

(3) He has no intention of offering Civil Disobedience. Hisotry can never be repeated and he cannot take the country back to 1942.

(4) The world has moved on during the last two years. The whole situation has to be reviewed *de novo*.

(5) Today he would be satisfied with a National Government in full control of civil administration.

(6) Mr. Gandhi would advise Congress participation in a National Government if formed.

(7) After independence was assured he would probably cease to function as adviser to the Congress.

Gandhi's next act was to condemn sabotage and underground activities. In a statement issued to the Press he condemned sabotage, saying that it is all violence and that it had done harm to the Congress movement. On the other hand he exhorted the workers to take to Constructive Programme and mentioned fourteen items.

Mr. Gandhi said : "If you share my conviction that underground activity is not conducive to the growth of the spirit of active Non-violence, you will discover yourselves and take the risk of being imprisoned, believing that imprisonment thus undergone itself helps the freedom movement."

He continued : "The question most discussed with me by visitors is whether I approve of underground activities. These include sabotage, the publication of unauthorised sheets, etc. It has been suggested to me that without some workers going underground they could have done nothing.

Some have contended that destruction of property, including dislocation of communications, provided that safety of human life could be insured, should surely be counted as non-violence. Examples of other nations as having not hesitated to do all these things and much worse have been cited. My reply is that no nation has, so far as I know, deliberately used Truth and Non-violence as exclusive means for the attainment of freedom. Judged by that standard, I say unhesitatingly that underground activities, even though utterly innocent in themselves, should have no place in the technique of Non-violence.

"Sabotage and all it means, including destruction of property, is in itself violence. Though these activities may be shown to have touched the imgagination of some people and roused their enthusiasm, I have no doubt that they have harmed the movement as a whole.

"I swear by the Constructive Programme" and he recounted the items of that programme.

In effect he made it plain in case Britain declared India independent, that he would agree to advise the Working Committee to withdraw the portion of the Bombay Resolution relating to sanctions and to take part in war effort—material and moral. But he himself said his part in the affair would be not to obstruct it. He then answered how he would advise the Working Committee if ever such a situation should arise, into which of two purposes, he would give preference to 2,000 tons of food to be rushed to a famine stricken area, or 2,000 tons of munitions to be rushed to a battlefield.

Great events like great men are born together. When Gandhi gave his assent to certain proposals on the communal problem as set forth by the League during his fast in February-March, 1943, little did he dream that one day these proposals would see the light of day with added developments, simultaneously with his interview with Mr. Stuart Gelder of the *News Chronicle* in the first fortnight of July 1944. Gandhi doubtless explained their coincidence as an accident and in saying so, he spoke the bare truth. But these accidents shape themselves in a form and synchornise with one another at a time which are in conformity with what one might call historical necessity. When C. R. reached Poona at the end of June 1944 being unexpectedly late, in seeing Gandhi after his release and when Stuart Gelder reached Panchgani equally unexpectedly in the 1st week of July, there could possibly be nothing premeditated about them. Yet they happened together, so releasing for the "knowledge of the public on the one hand and the authorities concerned on the other", the communal proposals and the proposals for the solving of the deadlock. They may look like two accidents, but they are live factors in the course of history, not lifeless phenomena of nature, nor dry formulæ on living or dead men's lips. They come together, live and progress together very much like the water and the fish in the sea or like the mind and the soul in the individual. Accidental as they may seem in their incidence, it is only by their commingling that they determine the shape of things to come, and fashion the course of history. That these should happen was sufficiently strange, but that they should happen through the agency of personalities whom the world took for mere memories of the past, whose lives the people might have regarded as forgotten chapters of history, was all the more convincing evidence of the working of inscrutable forces in the affairs of human life. What should one say to the lucubrations of men like Sir Alfred Watson who seeing the Sun caught up in an Eclipse thought that the Solar effulgence was gone—gone no more to reappear. Whosoever saw the great eclipse on the 20th of July and thought that the world would thereafter be immersed for ever in impenetrable darkness. Yet the editor of *Great Britain and the East*,

an obscure weekly of England, had the foolhardiness to say that Gandhi's influence was on the wane, that he was dying for interviewers who would not come and for publicity which was no longer to be his. Mr. Stuart Gelder of the *News Chronicle* cleared the atmosphere of all miasma and exposed Gandhi to the public gaze even as he once was like the Sun of the 20th July, emerging with all his radiance, from the *umbras* and the *penumbras* of the orbs whose shadow had for a while obscured his brightness. Did Sir Alfred Watson think that twenty-one months of eclipse in the Aga Khan's Palace obscure the intellect or darken the imagination or warp the faculties of Gandhi? No. Gandhi gave proof of the fire that was burning within him and was burnishing his intellect, without in the day-to-day talks that he gave pressmen who sought him out in-spite of his poor health and the inclement weather, making statements that threw the minds of the bureaucracy into confusion and impaled the Viceroy and the Secretary of State and the Premier on the horns of a dilemma. There they were unable to catch the beast by the horn or release themselves from its buttings. Mr. Gelder has contributed a long article dated the 18th July to the Press (*Times of India*) to disprove Sir Alfred Watson's mendacious accusations.

To make a long story short, Gandhi, having emerged from his twenty-one months' confinement and from the sorrows of his bereavement, shone resplendant like the radiant orbs in the Heavens and released day in, day out his statements to the Press which shot forth like so many meteoric emanations. Once again he spoke like a man descended from on high. Indeed he was the vehicle of a voice from the heavens. He spoke with rare inspiration and acted with a daring and dash that took by surprise his critics who had thought him a spent force. He rose like a rocket into the heights of politics, ethics and economics in one bound and remained there shedding light on problem after problem which had puzzled alike his protagonists and his detractors. Now he gave his full support to the communal formula on what was popularly but loosely known as the Pakistan problem. Now he threw out challenges to the puissant British Power which thought that by crushing his frail body and driving him to the gates of death, they had crushed his spirit. But neither Mr. Churchill who had vowed that he should crush Gandhism nor Mr. Amery who had compared him to that arch intriguer Father Joseph *alias* His Grey Eminence, could get a moment's purchase over his soul after burying him alive for twenty-one months in the Aga Khan Palace. Like the proverbial *Fakir* who goes into *Samadhi* for four months in a tomb hermetically sealed and emerges not only very much alive but chastened and exalted, he emerged from his entombed abode in Poona where all human contact was cut off from him during the days of his health and vigour, and emerged too with a new vigour and clarity, with added intellectual alertness and augmented spiritual discernment. Today it was a British journalist, tomorrow it was a provincial minister, now it was the Sikh League, then it was the Hindu Maha Sabha, at one time it was the Muslim press, at another it was the thundering attack of a London *Times* and on a third it was the sly pinprick of its reactionary counterpart in India, that Gandhi found himself assailed by, and to one and all of them he had a sweet reprimand, a ready repartee, a forensic rejoinder, or a parental admonition. Did he go back upon his passion for an integral and undivided India in endorsing C. R.'s proposals? No. His support to them was not inconsistent with his advocacy of India's integrity for he was putting the coping stone on the arch of a Hindu-Muslim understanding by urging "an agreement between the two unions in regard to Defence, Commerce, communications and other essential purposes." That would build up a super-Central Government, treating Pakistan as a

region and Hindustan as a bigger region within the meaning of Professor Coupland's proposals. Did people decry that his proposals to the British for loosening the political deadlock were only Cripps' Proposals ? If so, he retorted, it should be absolutely simple to accept them for that very reason. Did the public say that he was agreeing to the vivisection clause of Sir Stafford, on account of which it was that he had turned away promptly and proudly from them in April 1942 at Delhi ? He distinguished at once between the two by saying that his scheme did not touch the States as Cripps had contemplated. In repudiating the authority he had been invested with by the Bombay Resolution he did not deny himself the right to advise Congressmen to pursue their peaceful activities, such as were permitted to them before the Resolution of August 1942 (Bombay). But the most interesting, as indeed, the most instructive of his rejoinders, was his reply to the Hon'ble Mr. Gazdar, Home Minister of Sind, who abused his position as minister and made serious insinuations, nay charges, against him in regard to subversive activities. The episode is worth listening to.

While Gandhi was heroically carrying on his labours for advancing the cause of India's Independence, there appeared on the floor of the Sind Legislature, the Home Minister of the Province who in defending the forcible prevention of a member of the Sind Legislative Assembly from exercising his right of attending a meeting of the Assembly said "Our information is that since the release of Mahatma Gandhi, the subversive movement had been restarted throughout India and that leading personalities behind that movement were again trying to direct it." He referred in this connection to the escape from Karachi Jail of three undertrial prisoners in the Marriot Road Dacoity Case. Gandhi hastened to nail the lie to the counter by saying that "all the information that I have gathered since my discharge is absolutely contrary to the statement." He proceeded to add that throughout this anxious period, his attempt had been to show that he was opposed unequivocally to sabotage and the like. He repeated once again explicitly that he had never had an opportunity of starting Civil Disobedience and that the authority vested in him by the A.I.C.C. had expired on his imprisonment and could not automatically be revived on his discharge from prison on medical grounds. "Therefore," he added, "assuming that Civil Disobedience can be described as a subversive movement which I deny" even that cannot be offered by anybody on behalf of the Congress. But he urged that normal activities of a purely peaceful nature must be carried on even if restrictions were imposed on them. And he hoped that the authorities, if at all inclined to respond to his advance, would not interfere with such activities as were permissible before August, 1942. At the same time he took every opportunity to din into the public ear that sabotage should not be embarked upon, that underground activities should be given up and that the fourteen points of his constructive Programme should be pursued.

The Indian correspondents of the British Press began to bait "the old and obviously troubled man" as Edward Thompson puts it, (*Manchester Guardian*, July 29, 1944) "going through whatever he says line by line to score debating points." If Gandhi spoke for the Congress he was scorned as being totalitarian and dictatorial. If he took the reasonably democratic line that unless allowed to consult his colleagues, he could speak for himself only, he was sneered at that his offers were worthless and it was hinted that he was "playing politics." They sneered at Gandhi saying that Pakistan could come only after the war ended, but they saw nothing to sneer at when Britain offered India self-government only after the end of the war. They saw nothing wrong in the condition with which promise of complete self-

government for India was coupled, namely, that Indians do first agree. In this connection, Edward Thompson narrates an interesting story:

> "There is, however, one precedent (though not strictly historical) for our benevolence in India. When Baldur was killed, the Morns promised that he should return to life on one clear condition, that all creatures mourned him. This *generous* stipulation was nearly met—but not quite. After the world had been thoroughly searched, a "minority" was discovered, an unpleasantness, the disguised evil spirit, Loke, who flatly refused to join the general grief."

Dr. Johnson had something to say about an ideal Government of India. "All distant power is bad. I am clear that the very play for India is a despotic governor for if he be a good man, it is evidently the best Government and supposing him to be a bad man, it is better to have one plunderer than many. A governor whose power is checked, lets others plunder that he himself may be allowed to plunder, but if despotic, he sees that the more he lets others plunder, the less there will be for himself. So he restrains them." (Voltaire's *India*: Alex Aronson, *Hindusthan* April-June 1944.)

In July 1944, there was debate on India in the British Parliament. We pass over the debates in the Lords and the Commons for they abound in a repitition of the same old maxims and platitudes, the same repitition of Cripps' scheme and the same emphasis on minorities. Only reference has to be made to the remarks of the mover of the subject, Mr. Pethick-Lawrence who had closed his speech in a previous debate demanding Mr. Amery's head on a charger for there was no one word of irritation shown by him, nor one strong sentiment. Apparently the debate was an *agreed* one.

Even as the public were eagerly expecting the projected meeting between Gandhi and Jinnah, there fell a bolt from the blue in the publication of Gandhi-Wavell correspondence of July-August 1944. In it one came across the refusal for the third time by Lord Wavell of Gandhi's request for an interview with His Excellency or with the Working Committee. In addition, Lord Wavell restated the position of His Majesty's Government on the Indian situation. The statement was outspoken and was largely a reiteration of the Cripps' Proposals with added emphasis on the need to satisfy the "other minorities" amongst whom were prominently mentioned by His Excellency, the Depressed Classes. Otherwise, the conditions for the formation of a National Government during the war would not be there. One thing is certain, namely, that a composite Government formed during the war and after a successful meeting of Mr. Jinnah and Gandhi, would have greater chances of team work arising from that spirit of harmony and homogeneity which must necessarily spring into existence after an understanding between the two leaders, than if it had been formed during Cripps' time. With a Cabinet working in corporate and co-operative spirit, the possibility of creating conventions which might even go the length of compelling the Governor-General to conduct and comport himself as a constitutional ruler, was obviously greater than if a like Government had been formed in the Spring of 1942. These positions were undoubtedly before the British Government and the Viceroy, and apart from the changed situation in the war itself such a change in the communal relations in India would have meant a good deal in the direction of strengthening the national purpose and advancing the cause of national unity in India. Accordingly, it was not merely the Congress and the League, as repeatedly proclaimed by Sir Stafford Cripps at the time, or even as particularized by Lord Wavell himself in his speech of the 17th February, 1944 before the Central Legislature whose support was canvassed, but Lord Wavell felt it necessary to mention the Depressed Classes and other minorities whose agree-

ment, he said, was a condition prerequisite to the formation of a National Government during the war, a statement which provoked Gandhi to say that many more factors might any day be produced from the conjurer's bag. Really what happened since September 1943 was that whereas Lord Wavell still only the Viceroy-designate in September 1943 spoke at the Pilgrims' Dinner of his mental handbag in which he found a place—though the third and last, for the loosening of the political deadlock, after coming to India and spending ten months, he found his mental handbag changed by a turning of the magician's wand into a physical conjurer's bag from which any number of obstacles to the loosening of the political deadlock could be produced by one shake or one shuffle. This was not merely disappointing but vexatious to a degree.

Othrewise Lord Wavell's letter of August 15th, 1944 only repeated, in less ambiguous and more direct language the conditions for a National Government set forth in the Cripps' Proposals. Criticism has been made of the Viceroy's letter that he was raising a difficulty in separating the Civil from the Military duties and departments of the Central Government while Sir Stafford Cripps, it was said, had not only raised no such difficulty but actually planned the transfer of Civil duties to representative members of the Executive Council, reserving Military duties with the exception of a few minor ones, to the Commander-in-Chief. Lord Wavell did not refuse to assign these Civil duties to the members of the representatives of National Government. What Gandhi had demanded—let it be remembered—was not merely the appointment of a few Congess members, a few League members and a few minority representatives to the Viceroy's Executive Council, but that these members should be made responsible to the elected members of the Central Legislature in respect of the Civil Departments. What Lord Wavell said was that the Civil and the Military were so intimately intermixed that while a kind of separation was conceivable on the basis of the members being responsible to the Viceroy, no cut and dry separation was possible on the basis of the members of the Executive Council being responsible to the Legislature for the Civil. Nor had Cripps visualized any separation of the Civil and the Military departments with a view to transfer of responsibiity to the Legislature. In other words, Gandhi's demand was for a dyarchy in the Central Government, the Civil being the transferred department, worked on a basis of responsibility to the Legislature while the Military was to be a reserved department much like Land Revenue and Law and Order in the Montford Reforms or the Services under Provincial Autonomy.

A second point on which Lord Wavell's letter was subjected to severe criticism was that the formation of a National Provisional Government was made conditional upon there being an agreement in principle amongst the important groups and minorities of India beforehand on the methods by which the future constitution should be formulated. At the first sight this demand looked absurd as the constitution was a thing to be evolved by a Constituent Assembly at a future date elected from amongst the members of the various legislatures sitting as one electoral college and electing their representatives to the Constituent Assembly on the basis of proportional representation. To ask that now the principles upon which such a body would draft a constitution for India at some future date should be agreed upon almost appeared to be like putting the cart before the horse. But the suggestion was not perhaps *preposterous* because all that was meant was that there should be the agreement suggested on certain broad aspects which were not unfamiliar to the public even in Cripps' Proposals. It may be remembered that Cripps' Proposals made the right of evolving a constitution by the Constituent Assembly subject to the right of any province not to join the Indian Union. Se-

condly though it was not mentioned in so many words, the Proposals stated "whether the States join the constitution or not, treaties entered into with them will have to be revised in the light of the changed situation." Thus the option of joining or staying away from the Indian Union was given to the States as well. It is these two broad principles—to call them *principles* was almost a misnomer and a parody—that were held in view by Sir Stafford who meant his proposals to be taken *en bloc* and were again being visualized by Lord Wavell. After this lengthy but by no means laboured defence of Lord Wavell's position as stated in his letter dated August 15th, 1944, we are left no less in the lurch than we were by Cripps' Proposals. India was to be dependent, Indians had to participate in war effort not as free men but as slaves. Indian freedom was to be a thing of the future made possible only on the basis of prior agreement amongst the important groups and minorities. Lord Linlithgow had extended recognition to the Hindu Mahasabha in his statement of 8th August, 1941. Three years later, Lord Wavell extended recognition to the Depressed Classes as another factor. Every year the minorities tended to grow in entities. There were, of course, the Sikhs; and who knows that the Christians, the Jains, the Jews and the Parsees, the non-Brahmins and the Maharattas, the Jats and the Rajputs, the Pathans and the Marwaris might not be produced from the Viceroy's 'conjurer's bag'? Gandhi all but despaired and expressed his agony :

> "It is as clear as crystal that the British Government do not propose to give up the power they possess over the 400 million unless the latter develop strength enough to wrest it from them. I shall never lose hope that India will do so purely by moral means."

Gandhi did not say that he had the hope or confidence in the unfailing potency of the moral means. He anyway wanted moral strength to be developed to wrest power from the British.

All the while, Lord Wavell's intention seemed to be that the Congress and the League should no longer dream or think of a National Government as contemplated by Cripps' Proposals. Times had changed. The Japanese whose invasion of India was quite on the cards in March-April, 1942 had come and gone by August 1944. Lord Wavell's letter was dated 15th August, the day on which South France was invaded and by the 17th August the Bill of Clearance of the last Japanese having been driven out of the Indian soil was published in the Indian Press, a piece of news which must have been before Lord Wavell on the 15th when he wrote his letter to Gandhi. If that be so the British did not stand in need of India's wholehearted participation in war effort, nor was the Congress in a position to revive Civil Disobedience. To Wavell's mind, therefore, it was a mockery to speak of Congress participation in any war effort. The Congress offer, of war aid he must have thought, would be too little and in any case, came too late. Accordingly he conceived his letter in a new style. But if the Congress and the League wanted a transitional Government, certainly, they could have it for the asking of it provided there was a prior agreement amongst the Hindus and Muslims and important parties and groups in the country "in principle upon the methods by which the future constitution should be formulated."

For one thing we may recall the fact that Lord Wavell only wanted an agreement between the two main parties, namely, Hindus and Muslims for the purpose of a National Government, in his speech of February 17th, 1943. But now he goes farther. It has been explained earlier, however, that this agreement meant no more than the acceptance *en bloc* of the Cripps' scheme. The difference between *then* (1942) and *now* (1944) was that Cripps was then agreeable to the formation of a " National " (transitory) Govern-

ment though the Congress took up the attitude of not accepting the clauses relating to Dominion Status and right of secession to Provinces and to States. Cripps did not break the negotiations at any rate, upon this aspect of the matter. If the question of the Viceroy's veto had not been raised by the Congress then, possibly no obstacle would have been raised by Sir Stafford to the formation of a National Government in 1942. But in 1944, Lord Wavell wanted the whole scheme with its preamble, its conditions and terms to be accepted. Nay more. He wanted beforehand an agreement of the important parties on the method of evolving the constitution. That was the *progress* India made at the end of two years' struggle and suffering! It was a victor's treaty with the vanquished, a repetition of Versailles, and a visualization of the coming Vansittartism over Germany that Lord Wavell, the military Viceroy and soldier Statesman was obviously seeking to impose upon the Congress and India!

After this reply of Lord Wavell's (dated 15th August, 1944), one might as well enquire what His Excellency had meant by asking Gandhi to submit to him (in his letter dated 22nd June) "any definite and constructive policy you may have to propose." Anglo-Indian dailies like the *Times of India* none too friendly to Gandhi or the Congress considered the scheme embodied in Gandhi's interview with Mr. Gelder of the *News Chronicle*, such 'a definite and constructive policy' and the *Statesman* of Calcutta and Delhi which had never minced its words against the Congress, urged that the interview sought by Gandhi with Lord Wavell be conceded. Lord Wavell as well as Mr. Amery had thrown to the winds the proposals of Gandhi "as unworthy of being regarded as even a starting point for discussions" and what was worse there was an attempt to scotch the Gandhi-Jinnah conversations by the indecent haste with which the Viceroy published his reply of August 15th to Gandhi. Nor was the idea of Lord Wavell (*vide* his speech February 17th) that "a small committee should sit over the preparation of the future constitution"—an idea repeated in his letter of 15th August, correct whether from the standpoint of time or of purpose, supposing such a committee was to be formed, what should be its composition in order that it might serve any useful purpose? When Pakistan was on the anvil with two astute smiths, hammers in hand working at it, when the other committees of India were being convulsed by this fissiparous proposal which, once started, tended only to multiply the fissions and fissures *ad infinitum*, it was not an easy matter for a non-official committee to agree either upon composition or terms of reference. Apart from this, even supposing that such a committee was formed and worked to a fruitful end, that end would be but temporary and liable to challenge if adopted as the ticket later for Provincial and Central elections and then for the Constituent Assembly. Was it right, was it even sensible that a committee should have queered the pitch for the future Constituent Assembly? No, the idea was meant to sidetrack the Congress working on the lines of a National Government. After all Constituent Assemblies have followed national or transitional Governments and Constituent Assemblies are meant to work out solutions of intricate problems arising from conflicts between groups, parties and communities. To say that all such conflicts should be composed beforehand is to ask for conclusions before deliberations even as the judge of old asked for the tallest tree on which to hang a person before he even proceeded to address the jury. Supposing for a moment one visualizes such a fools' errand in its inverted order, who should take the initiative—the Congress? which had already been the butt of communal attacks or one of the communal groups? At the time Lord Wavell wrote, Government had already recognized the leader of the Muslim League, in

Mr. Jinnah, representing a section of a religious group, then an infinitesimal minority of the Harijan group in Dr. Ambedkar, next the Sikh group whose representative Sir Jogendra Singh was already in the Viceroy's Executive Council, later the Hindu Mahasabha whose president Mr. Savarkar was talking of Hindudom. In addition, there were the States who were given an important place both in the Federation of 1935 Act and in the Cripps' Proposals of 1942 while the States' people were altogether omitted in both these though they formed a fourth of India's population and occupied a third of India's area. Besides these, you had the Scheduled Classes dwelling in non-regulation areas. If Gandhi was to have taken the initiative, the proposal meant that he should sit in conference with Mr. Jinnah, Dr. Ambedkar, ignoring the President of the-All India Depressed Class Organisation, Master Tara Singh, Mr. Savarkar, the Nawab of Bhopal, the President of the All-India States' Peoples' Conference and the Presidents of the Anglo-Indian Conference (Mr. Frank Anthony), and of the All-India Christian Conference. There was still the Parsi Panchayat to reckon. Thus would the Assembly be a conglommerate of heterogeneous groups who in spite of the recent sermonization from Lord Linlithgow, Mr. Amery and Lord Wavell on geographical unity, were being encouraged to think in compartments of religion and not in terms of nationalism. If Lord Wavell had asked for some kind of understanding amongst the important elements of Indian population in order to form the transitional Government that would have been a different matter and in the absence of such agreement, some kind of arbitration could have been brought into play. But the Viceroy went behind the time of Cripps and demanded unity, the absence of which it was that had led to the Cripps' Mission little realizing that geographical unity implied and included national unity.

Let us at this stage review once again what Lord Wavell wrote to Gandhi. In his letter dated 27th July, Lord Wavell stated that His Majesty's Government had attached certain conditions to the scheme embodied in Cripps' Proposals whose object was to safeguard the interests of the racial and religious minorities, Depressed Classes and the Indian States. Only on the fulfilment of those conditions, added the Viceroy, the British Government agreed to invite Indian leaders to take part in an interim Government which would operate under the existing constitution. Then His Excellency proceeded to deal with the indivisibility of responsibility for Civil and Military functions of Government. It would be profitable to compare this statement with Cripps' interpretation of the Draft Declaration in the course of a broadcast talk on the 30th March, 1942. Sir Stafford said :

> " In the past we have waited for the different Indian communities to come to a common decision as to how a new constitution for a self-governing India should be framed and because there has been no agreement among the Indian leaders, the British Government have been accused by some of using the fact to delay the granting of freedom to India. . . . We are now giving the lead that has been asked for....."

But what did Lord Wavell do two years and a half later ? He reverted to the policy abandoned by the British Government in sending the Cripps' Mission and His Majesty's Government must be a party to such a reactionary plan. Sir Stafford at any rate had not clung to such an absurd proposition as now formed the sheet anchor of Lord Wavell. Surer measures could not have been conceived to ridicule India's claim to Swaraj and ensure certain failure if the Indian leaders walked into the snare so set up in the name of

well-meaning advice "to hasten the far off Divine Event" of Indian Independence. It will be readily seen that the demand of prior unity in principle "on the method by which the future constitution should be formed," was apart from its fore-aft character, opposed to the Britisher's favourite argument that fellowship in work as in a transitory government, carried on with a common purpose by the representatives of the different communities would generate and help to promote that harmony and good understanding which ages of argumentation might never succeed in creating or fostering. The enormity, therefore, of the line of thought pursued by Lord Wavell in his famous letter of the 22nd July became at once the subject of universal attack, the force of which consisted not only in showing up the perversity of His Excellency's reasoning as pointed out earlier, but in the contrast between the positions taken up by Cripps in 1942 and Wavell in 1944. The situation became so delicate that official circles, whatever the expression may mean, felt the necessity of explaining (away) the famous letter. Thus interest gathered round the question whether the Cripps' offer was intact in all its comprehensiveness as stated by Lord Munster (25th July, House of Lords) and in all its generous amplitude was stated by Mr. Amery (28th July, House of Commons) or whether the Viceroy's letter (dated August 15th) to Gandhi amalgamating the two stages contemplated by Cripps into one, held the field. Accordingly on Saturday, August 26th, there appeared an elaborate and laboured explanation from the pen of the Delhi Correspondent of the *Times of India* who hung it on the peg of the weekly 'Political Notes' by Candidus which had just appeared in it.

There is little doubt after all these vindications of Wavell and vituperations against him that he wanted to short-circuit the issue of National Government and pass on to the formulation of a constitution. Regret has been expressed in certain quarters that if only Cripps' offer had been accepted, a National Government would actually have been operating at the time Wavell made his statement. Ah, but would that be a National Government, —a Government composed doubtless of the nominees of party leaders, but in no way owing allegiance to any but the Viceroy! Such appointments had been made in the past. Like Sir Samuel Hoare, they might have held many portfolios from 'Air Ministry' to 'India,' from 'Foreign Ministry' to 'the Admiralty', from 'Home Secretary' to 'Lord Privy Seal', showing "astonishing capacity to endure the arrows of outrageous fortune of a political battle." But they could have like the Abbe Sieyes who was asked what he had done in the Great French Revolution, only faithfully replied "I kept alive." Could these fourteen members of the Viceroy's Executive Council have ever formed a "National Government" worth the name? No, let not India cry for the fleshpots of Egypt. The land of Canaan flowing with milk and honey was still afar. The way lay through wilderness but the leadership was unfailing. Faith brought Mannah from the Heavens. Faith in prayers drew water from the rock at the touch of Aaron's rod. There was the 'pillar of cloud' by day and the 'pillar of light' by night. The waverers had no future, nor was the future for those who would not endure the toil of struggle and the suffering of effort.

Wavells come and go but India remains for ever. Empires come and go but Indian nationalism remains for ever. And to the man of vision as to the man of faith, a radiant future lit with freedom emblazoned on the skies was but the one guide, the one monitor and mentor, the one destiny that should bend all energies to the only task before the country—the task of emancipation from the iron grip of the foreigner.

## TWO EPISODES

### (a) Gandhi-Jinnah communion through C. R.

Gandhi who had begun to deal with Lord Wavell, soon after his release did not plan to throw Jinnah into the shade and strike up an agreement with the Britisher. That was repugnant alike to the Congress and to Gandhi. The latter's great purpose in life was to carry the whole country forward, and develop momentum in the nation by developing *velocity* no less than by mobilizing *mass*. To leave out a recognized organization and play for an advance in collusion with the foreigner was neither wise nor fair. Accordingly even while he was in his great fast in the Aga Khan Palace in February 1943, he was evolving a formula of agreement to the principle of self-determination. That plan was undergoing incubation for a year and two months under the wings of C. R. until one day in April 1944, on the 8th, he burst the shell and produced the chicken before Mr. Jinnah who, however, did not approve of it, though as Mr. Jinnah explained later, his position was that he neither approved nor rejected it. C. R. followed up his outlines of the proposal by a letter on the 17th April asking for reconsideration. All this was before Gandhi's release (on May 6th). After the release he followed up his endeavours of April by a telegram on the 30th of June recalling the events of April and associating once again the name of Gandhi with the proposals.

C. R. went to Panchgani at an appropriate moment and pursued telegraphically from Panchgani his correspondence with Mr. Jinnah with the full consent of Gandhi. The clue to these negotiations was furnished by the following statement made by Raja Maheshwar Dayal Seth who was the Secretary of the Hindu Mahasabha in 1942.

Raja Maheshwar Dayal Seth of Kotra, ex-General Secretary, All-India Hindu Mahasbha issued the following statement to the press:—

" The proposals made by Mr. C. Rajagopalachari for communal settlement with the approval of Mahatma Gandhi are none others than those which Mr. Jinnah himself had proposed and are in accordance with the famous Pakistan Resolution of the Lahore Muslim League session of 1940.

I may take the public into confidence and state that the Working Committee of the All-India Hindu Mahasabha in August 1942 appointed a special committee to negotiate with the leaders of the principal political parties and to mobilize public opinion in support of the national demand. I was then the General Secretary of the Hindu Mahasabha and on behalf of this special committee carried on negotiations with Mr. Jinnah and through the help of a common friend who holds a very important position in the Muslim League the following terms were offered for compromise with the Muslim League :—

'The leader of the Muslim League endorses the national demand for freedom as adumbrated in the resolution of August 30, 1942, of the Working Committee, of the All-India Hindu Mahasabha and expresses the League's readiness to join other parties to fight for and win freedom immediately, provided a settlement is reached with the Muslim League guaranteeing certain broad principles. In the event of such a settlement being reached the Muslim League will co-operate in the formation of Provincial Composite Government.

The broad principles to be agreed to are, that after the war:—

'(A) A commission shall be appointed to mark out contiguous areas in the north-west and nort-east of India where the Muslim population is in a majority. (B) In these two areas there shall be a universal plebiscite and if the majority of the population vote in favour of a separate Sovereign State

such a state shall be formed. (C) In the event of separation the Muslims shall not demand any safeguard for Muslim minority in Hindustan. It will be open to two Indias to arrange on a reciprocal basis safeguards for religious minorities in the respective states. (D) There shall be no corridor between the two Muslim areas in the north-west and north-east of India but the two areas shall constitute one Sovereign State. (E) Indian states shall be left out of consideration. (F) A governmental machinary shall be provided for giving due facilities for transfer of population absolutely on a voluntary basis.'

So it will be seen that there is practically no change in the proposals made by Rajaji.

Of course, neither I nor the Hindu Mahasabha could accept these proposals as we cannot possibly be any party to any proposal for the vivisection of the country in any shape or form but at the Conference held by Sir Tej Bahadur Sapru at his place at Allahabad in December 1942 which was attended among others by Mr. Rajagopalachari, I simply read out the terms offered on behalf of the Muslim League for settlement and I gave a copy of it to Mr. Rajagopalachari as well who showed it to Mahatmaji during his 21 days' fast in March 1943 and got his approval to the proposals. Rajaji called me to Delhi on March 26, 1943, and I again got in touch with Mr. Jinnah through another common friend holding an equally important position in the Muslim League but, to my great surprise, Mr. Jinnah was unwilling to accept the terms for compromise which he himself had offered in September 1942. It has been very clear to me since then that Mr. Jinnah does not want a settlement at all. I must not be understood to say that I ever supported these proposals. I do not at all approve of the idea of the vivisection of the country. I mention the above facts to emphasise that the stand taken by the Hindu Mahasabha that no efforts should be made to appease Mr. Jinnah is absolutely correct."

From the statement it would appear that C. R. had a copy of the proposals with him when he saw Gandhi so early as in February-March 1943. He used them as a trump card and got a trick from Gandhi when the latter consented to them. Gandhi's consent was now the trump card with him and he was waiting for an opportunity to play it in his long range game of political bridge. He had his chance in April 1944—a full year and 2 months after he got possession of it. The scene was in Delhi. The time was the budget session. The players were the leaders of parties in the Central Assembly. A happy combination of policies amongst the several parties enabled the Assembly to throw out the Budget. Government Benches sought to make light of a popular victory and Sir Jeremy Raisman challenged the parties to produce a better unity in the constructive field of politics, not merely in the destructive domain of the Budget. The Deputy Leader of the Congress Party—Quium picked up the gauntlet and declared that the Congress and the League would unite much earlier than Raisman expected. Here was the opportunity. Bhulabhai was there. So was Sarojini Devi. And C. R. was there too. The hearts were ready to unite. The hands were outstretched for a hand-shake. But the heads must yet evolve a formula on which to combine. What better opportunity could offer itself than this and what better material could have been presented as the cementing material than the formula that had been lying unused in the pocket of C. R. for over a year? And the wizard produced it before the bewildered spectators much as a magician produces a serpent out of a stick. So on April 8, C. R. made his constructive proposals to Mr. Jinnah.

Apparently they did not commend themselves to Mr. Jinnah. So he goes home and follows up his proposals. He waited long and patiently from 17th April to 29th of June. Then he followed it up by a telegram. From the correspondence, it is obvious that while C.R. might be thinking that he had played his trump card effectively, Mr. Jinnah was certain that he scored a tactical advantage in that for the first time he had in his hands a positive offer—set with the seal of Gandhi and emanating from his trusted lieutenant. Mr. Jinnah who had not agreed to the proposals when presented in Delhi managed to wriggle out of that position into a more happy one of neither acceptance nor rejection—a formula familiar to Congress ears and Congress eyes and Congress hands in relation to the communal decision of the British Government of the year 1932.

One may be intrigued to know why C. R. having committed the mistake of presenting his proposals in Delhi on April 8th, 1944, followed them up by the telegrams from Panchgani. The explanation is obvious. He must have told Gandhi what he had done and Gandhi like the shrewd man that he is, must have wished to see the conclusion of a process once begun. Accordingly after the telegraphic correspondence, the offer was published and it is as follows:

The following is the scheme. Basis for terms of settlement between the Indian National Congress and the All-India Muslim League, to which Mr. Gandhi and Mr. Jinnah agree and which they will endeavour respectively to get the Congress and the League to approve.

1. Subject to the terms set out below as regards the constitution for a free India, the Muslim League endorses the Indian demand for independence and will co-operate with the Congress in the formation of a Provisional Interim Government for the transitional period.

2. After the termination of the war a commission shall be appointed for demarcating contiguous districts in the north-west and east of India wherein the Muslim population is in absolute majority. In the areas thus demarcated, a plebiscite of all the inhabitants, held on the basis of adult franchise or other practicable franchise, shall ultimately decide the issue of separation from Hindustan. If the majority decides in favour of the formation of a Sovereign State separate from Hindustan, such a decision shall be given effect to, without prejudice to the right of the districts on the border to choose to join either state.

3. It will be open to all parties to advocate their points of view before the plebiscite is held.

4. In the event of separation, a mutual agreement shall be entered for safeguarding defence, commerce and communications and other essential purposes.

5. Any transfer of population shall only be on an absolutely voluntary basis.

6. These terms shall be binding only in case of transfer by Britain of full power and responsibility for the governance of India.

There is one aspect of the terms and proposals offered by C.R. and Gandhi which deserves and demands careful examination. The very first condition urges that " the Muslim League endorses the Indian demand for Independence and will co-operate with the Congress in the formation of a provisional Interim Government for the transitional period.

Then again Clause 6 lays down that "these terms shall be binding only in case of transfer by Britain of full power and responsibility for the governance of India, in other words, in case of full establishment of Indian Independence." Thus the idea of Independence is brought out expressly

at the beginning as well as at the end of the proposals. It behoves us therefore to understand what this term "Independence" was meant to signify. A statement made by Gandhi later, though in another connection, would be helpful in this direction. When explaining whether the advocacy of his proposals did not run counter to his earlier statements against partition and vivisection of India, he explained that in the first place his proposals should be examined on their merits apart from his own inconsistencies and in the second, his proposals were not inconsistent with what he had said. He then distinguished between the division of India into Pakistan and Hindustan and the vivisection of India by a permanent dismemberment of the States from the Indian Union—as was possible under Cripps' proposals. In other words, he stated that an Independent India could not be an Indian Union divested of the Indian States. It was therefore well that Gandhi had made clear his meaning of Independent India betimes—*i.e.* well in time before the Gandhi-Jinnah meeting so that he might not be accused of any *arriere pense* in his negotiations. Mr. Jinnah, did not speak—but the rest of the world from New York to London and London to Lahore spoke.

A relative study of the different resolutions passed on the subject of Pakistan is facilitated by a look at them as given below :—

> "Resolved that.....no constitutional plan would be workable in this country or acceptable to the Muslims, unless it is designed on the following basic principles, viz. that *geographically contiguous units are demarcated into regions which should be so constituted, with such territorial readjustments as may be necessary, that the areas in which the Muslims are numerically in a majority* as in the North-Western and Eastern Zones of India, *should be grouped to constitute "Independent States" in which the Constituent Units shall be autonomous and sovereign.*"
>
> —Muslim League Resolution passed at Lahore (June 1940).

> "The Congress has been wedded to Indian freedom and unity and any break in that unity, especially in the modern world when people's minds inevitably think, in terms of ever larger federations, would be injurious to all concerned and exceedingly painful to contemplate. *Nevertheless the Committee cannot think in terms of compelling the people in any territorial unit to remain in an Indian Union against their declared and established will.....Each territorial unit should have the fullest possible autonomy within the Union.....*"
>
> —Congress Working Committee Resolution passed at Delhi (April, 1942).

> "After the termination of the war a commission shall be appointed for *demarcating contiguous districts in the north-west and east of India, wherein the Muslim population is in absolute majority.* In the areas thus demarcated, a plebiscite of all the inhabitants held on the basis of adult suffrage or other practicable franchise shall ultimately decide the issue of separation from Hindustan. *If the majority decide in favour of forming a Sovereign State separate from Hindustan, such decision shall be given effect to,* without prejudice to the right of districts on the border to choose to join either state."
>
> —Rajaji's formula, endorsed by Gandhiji which was forwarded to Mr. Jinnah.

In April 1942, when Sir Stafford Cripps was at Delhi and the Congress Working Committee was carrying on negotiations with him, it passed a resolution, which contains the following passage : ' Nevertheless the Committee cannot think in terms of compelling the people in any territorial unit to remain in an Indian Union against their declared and established will.'

It is evident that this passage concedes the division of India into more than one political State and gives the go-by to the unity and integrity of India. The temptation of the Cripps Formula was so great that they thought it necessary to take the cue from the Cripps declaration and fall in line with it. Soon after the Cripps' Proposals were rejected by the Congress as a 'post-dated cheque on a crashing bank.'

After the rejection of the Cripps' Proposals, the All-India Congress Committee met at Allahabad on May 2, 1942, and passed a resolution in the following terms :

' The A.I.C.C. is of the opinion that any proposal to disintegrate India by giving liberty to any component State or territorial unit to secede from the Indian Union or Federation will be highly detrimental to the best interests of the people of different States and provinces and the country as a whole, and the Congress therefore cannot agree to any such proposals."

### Post Cripps

The League Working Committee in its resolution on the Cripps' Proposals demanded a plebiscite of the Muslim population only. Late in August 1942, the League offered to co-operate with any party on a footing of equality for the setting up of Provisional Government on the basis of an unequivocal declaration guaranteeing to the Muslims the right of self-determination and pledging itself to abide by the verdict of the plebiscite of Muslims and to give effect to the Pakistan scheme.

### Cripps' Offer.

> " (*c*) His Majesty's Government undertake to accept and implement forthwith the constitution so framed subject only to (*i*) the right of any province of British India that is not prepared to accept the new constitution to retain its present constitutional position, provision being made for its subsequent accession if it so decides.
>
> With such non acceding provinces, should they so desire, His Majesty's Government will be prepared to agree upon a new constitution giving them the same full status as the Indian Union and arrived at by a procedure analogous to that here laid down."

Gandhi and Jinnah met for about ten days in September. According to Gandhi the proposals meant a common centre virtually concerned with Defence, Commerce, Communications etc. This did not commend itself to Mr. Jinnah who insisted but vainly upon Gandhi agreeing to the two-nation theory, and partition without plebiscite amongst the whole population. The meeting ended without results.

### (*b*) The Philips' Episode

If all great epics abound in striking episodes which are no less interesting and instructive than the epics themselves, the epic of India's struggle for freedom had its thrill and inspiration in, amongst others, what might compendiously be termed as the Philips' episode of the years 1943-44. Mr. Philips was the personal representative of President Roosevelt in India. He was a man of tried abilities and varied experience and it was stated that

he had Churchill's full authority to go where he pleased and interview whom he desired to meet. Philips studied the Indian political situation with care and concern and sought the permission of the authorities for seeing Gandhi and the Working Committee in February 1943. Gandhi's fast came as a handy excuse for refusing this first request and the second which was made in April, 1943 was politely declined after a personal interview to which the Viceroy invited him at Dehra Dun. It was said at the time that Philips had a scheme of political settlement to which he wished to obtain Gandhi's assent before he could press for its acceptance by the British through the American President. The reports and the letters which he wrote to the President in this connection were naturally devoted to a discussion of the military and political conditions in the country—their defects and drawbacks, and the remedies which, in his view, would help to cure and correct them. Philips left for America in the Spring of 1943 and thereafter although he was in evidence in Washington on occasions and although he expressed his hope to be able to return to India, yet as events later turned out, he was sent to London as adviser to General Eisenhover, and Philips' connection with India came to an abrupt end until equally abruptly he became the central figure of an intriguing episode which happened in the first week of September, 1944.

The fact was that after Mr. Philips had left India, it so happened that when he reached Washington, Mr. Churchill was at the place and President Roosevelt arranged two interviews between his envoy and the British Premier. Dr. K. N. Katju pointed out that " it was common knowledge in informed circles in Delhi that Mr. Churchill had been extremely rude to Mr. Philips at the half an hour's interview which Mr. Philips had with Mr. Churchill in Washington on the former's return from India. It was reported that Churchill would not even listen to Mr. Philips. He stamped his foot up and down the room indignantly over and over again and is stated to have remarked that India was England's business and he would not tolerate American interference in any manner whatsoever."

The following *Reuter* message from New York appeared in the Colombo papers :

Commentator Drew Pearson's syndicate column " Washington Merry Go Round " in Monday's New York *Daily Mirror* declares : " Diplomats are indignant over the ousting of Ambassador William Philips from London as political adviser to General Eisenhover. Mr. Philips came home for personal reasons." But the fact is that he was asked to leave London because he wrote a letter to President Roosevelt criticising British policy in India and recommending Indian independence.

" The letter published in this column on July 25, caused a furore. The British demanded official explanations. Later the Foreign Minister, Mr. Anthony Eden, asked for Mr. Philips' recall. Britain also demanded the recall from New Delhi of General Merrell, acting as chief of the United States Mission in India during Mr. Philips' absence. He resigned and returns shortly. The British objected because Mr. Philips reported to his chief on India. London is sore over his point that India is of great concern to us on account of the Japanese war."

After quoting Mr. Philips as stating, " The Indian Army is mercenary. It is time for the British to act. They can declare that India will achieve her independence at a specified date after the war," Mr. Pearson declared : " Mr. Eden cabled Sir Ronald Campbell, British *Charged' Affaires* in Washington, stating that he and the Prime Minister, Mr. Churchill, were perturbed and ordered the Embassy to approach the State Department with a formal

demand for investigation. Mr. Cordell Hull informed the Embassy that Mr. Philips' letter had leaked out through the former Under-Secretary, Mr. Sumner Welles. Mr. Eden again cabled expressing surprise that a paper of the calibre of the *Washington Post* published Mr. Philips' letter and suggesting that the *Post* should publish an editorial contradicting and criticising the story. When Sir Ronald cabled this to London, Mr. Eden replied asking the *Post* to correct Mr. Philips' statement about a mercenary army.

" In London Mr. Churchill and Mr. Eden put the heat on on the United States Ambassador, Mr. John Winant, and had that official ask Mr. Philips if he still held the same views. Mr. Philips said he did more than ever but was sorry his letter was published, adding " I hope my other reports, even stronger, will not leak." Mr. Eden cabled his Embassy to inform the State Department that Mr. Philips was *persona non grata* in London, observing : ' India is more important than a thousand Philips'."

The zest of the affair lay in the resolution given notice of and admitted for consideration in the House of Representatives, by Congressmen. Calvin D. Johnson, a Republican representative, asking that Sir Ronald Campbell, the British Minister in Washington and Sir Girja Shankar Bajpai, Agent-General to the Government of India in the Unites States, should be declared *persona non grata* because of their efforts to "mould" American public opinion.

The resolution refers to the reports which Ambassador Philips submitted on the situation in India. The resolution declares that Mr. Philips has told President Roosevelt that, the Indian army and people would not participate with any "force" in the war unless they received a promise of independence and that " Ambassador Philips has also reported that India is the most important base of American operations against Japan, that Britain will play only a "token" part in the war against Japan and that it is vital that the United States should have more active support from the Indian Army and the Indian people."

According to Drew Pearson, the full text of the letter Ambassador Phillips wrote to President Roosevelt from India in the Spring of 1943 is as follows :

Dear Mr. President,—Mr. Gandhi has successfully completed his fast and the only result of it has been increasing bitterness against the British among large sections of the people. The Government have handled the case from the legalist point of view. Mr. Gandhi is the "enemy" and must not be allowed to escape from his just punishment, and at all costs British prestige must be maintained. The Indians look at it from a different angle. Mr. Gandhi's followers regard him as semi-divine and worship him. Millions who are not his followers, look upon him as the foremost Indian of the day and consider that since he never had the opportunity to defend himself, it is a case of the persecution of an old man who has suffered much for the cause which every Indian has at heart—freedom for India. So it is presumable that Mr. Gandhi comes out from this struggle with an enhanced reputation as a moral force.

The general situation, as I see it to-day, is as follows : From the British point of view, their position is not unreasonable. They have been in India for 150 years and except for the Mutiny in 1857, generally speaking, internal peace has been maintained. They have acquired vast vested interests in the country and fear that their withdrawal from India would jeopardize those interests. Great cities like Bombay, Calcutta and Madras have been built up largely through their initiative. They have guaranteed the regime

of the Princes who control territorially about one-third of the country and one-fourth of the population. They realise that new forces are gathering throughout the world which affect their hold over India and they have therefore gone out of their way, so they believe, to offer freedom to India as soon as there are signs that the Indians themselves can form a secure Government. This the Indian leaders have been unable to do and the British feel that they have done all they can in the circumstances. Behind the door is Mr. Churchill who gives the impression that personally he would prefer not to transfer any power to an Indian Government either before or after the war, and that the *status quo* should be maintained.

Indians, on the other hand, are caught up in the new idea which is sweeping the world, of freedom for oppressed peoples. The Atlantic Charter has given the movement great impetus. Your speeches have given encouragement. British Declarations that freedom would be granted to India after the war, have brought the picture of Indian Independence as never before into the thoughts of the entire Indian intelligentsia. Unfortunately, as the time approaches for ending the war, the struggle for political prestige and power between parties has increased, and this has made it more difficult than ever for the leaders willing to reach a compromise agreement. Furthermore, Mr. Gandhi and all the Congress leaders, not to mention fifty or sixty thousand Congress supporters, are in jail, and as the Congress is the strongest political party, there is no one available to speak for it. There thus is a complete deadlock; I should imagine that the Viceroy and Mr. Churchill are well satisfied to let the deadlock remain as long as possible. That at least is the general impression in most Indian circles.

The problem therefore is, can anything be done to break this deadlock through our help? It seems to me, all we can do is to try and induce Indian political leaders to meet together and discuss the form of government which they regard as applicable to India, and thus show the world they have sufficient intelligence to tackle the problem. We must not assume that they will adopt American or British systems. In view of the importance of guaranteeing protection to minorities, our majority form of government may not be applicable and a coalition may prove to be the one and only practical way of guaranteeing internal harmony. We cannot suppose that the British Government can or will transfer power to India by a scratch of the pen at the conclusion of the Peace Conference, unless there is an Indian Government fit to receive it. The question remains, therefore, how to induce leaders to begin now to prepare for their future responsibilities. There is, perhaps, a way out of the deadlock, which I suggest to you, not because I am sure of its success but because I think it worthy of your consideration. With the approval and blessing of the British Government, an invitation could be addressed to the leaders of all Indian political groups on behalf of the President of the United States to meet together to discuss plans for the future. The Assembly could be presided over by an American who could exercise influence in harmonizing the endless divisions of caste, religion, race and political views. The conference might well be held under the patronage of the King-Emperor, the President of the United States, the President of the Soviet Union and Marshal Chiang Kai-Shek, in order to bring pressure to bear on the Indian politicians. Upon the issue of invitations the King-Emperor could give a fresh assurance of the intention of the British Government to transfer power to India on a certain date as well as his desire to grant a provisional set-up for the duration. The conference could be held in any city in India except Delhi.

American Chairmanship would have the advantage not only of expressing the interest of America in the future Independence of India but would also be a guarantee to Indians of the British offer of Independence. This is an important point because, as I have already said in previous letters, British promises in this regard are no longer believed. If either of the principal parties refused to attend the conference, it would be a notice to the world that India is not ready for self-government and I doubt whether a political leader would put himself in such a position. Mr. Churchill and Mr. Amery may be obstacles, for notwithstanding statements to the contrary, India is governed from London down to the smallest details. Should you approve of the general idea and care to consult Mr. Churchill, he might reply that since the Congress leaders are in jail, a meeting such as is contemplated is impossible. The answer could be that certain of the leaders, notably Mr. Gandhi, might be freed unconditionally in order to attend the conference. The British may even be searching for a good excuse to release Mr. Gandhi, for the struggle between him and the Viceroy is over with honours for both—the Viceroy has maintained his prestige and Mr. Gandhi has carried out his protest against the Government through his successful fast and has come back into the limelight.

There is nothing new in my suggestion, except the method of approach to the problem. The British have already announced their willingness to grant freedom to India after the war if Indians have agreed themselves as to its form. The Indians say they cannot agree because they have no confidence in British promises. The proposed plan, perhaps, provides the guarantee required by the Indians, and is in line with Britain's declared intentions. Possibly, this is a way out of the *impasse* which, if allowed to continue, may affect our conduct of the war in this part of the world and our future relations with the coloured races. It may not be successful, but at least America will have taken a step in furthering the ideals of the Atlantic Charter.

I offer the suggestion now in order that it may have your consideration before I return to Washington by the end of April or early in May when I will be able to give you at first-hand, further information on the subject.

Yours Sincerely,
(Sd.) WILLIAM PHILIPS.

Senator Chandler who was ex-Governor of Kentucky and one of the five senators that toured India in the year 1941-42 demanded by a resolution that the President should publish Mr. Philips' second report which was believed to be even stronger than the first. His denunciation of British Imperialism, it was said, shook the continent from end to end.

Senator Chandler, referring to the British denial that Mr. William Philips' recall was requested by the British Government, made public a telegram, which, he said, had been sent to London by Sir Olaf Caroe, Secretary to the External Affairs Department of the Government of India, in which he said that India could not again receive Mr. Philips.

The telegram said in part :

> " We feel strongly that the British Embassy should be supported in carrying this matter further with the State Department. We are doing our best to prevent the entry of newspapers or letters carrying the text of Mr. Pearson's article. We understand that the designation of Mr. Philips is still the President's personal representative to India. Whether or not he is connected in any way with the leakage of the views

he has stated, it would make it impossible for us to do other than regard him as *persona non grata* and we could not receive him. His views are not what we are entitled to expect from a professedly friendly envoy. The Viceroy has seen this telegram."

Senator Chandler said in an interview that he was in possession of a confidential letter written by Mr. Philips to President Roosevelt under date May 14, 1943, which could not be made public this time, but if occasion developed, he would read it in the open Senate.

A British Embassy spokesman, asked to comment, reiterated Lord Halifax's statement that His Majesty's Government have never represented to the United States that Mr. Philips was *persona non grata.*

Regarding refusal of permission to Philips to see Gandhi, *New Statesman and Nation* wrote (May, 8, 1943):

"Of recent events however the most important may well be the refusal of the Viceroy to allow Mr. Philips, the American envoy, to visit Mr. Gandhi in prison. His communication of this rebuff to American and Indian pressmen means, we take it, that he felt a disappointment, if not a resentment which his Government may share. It was an act of folly to deprive him of a chance that might have opened the door to reconciliation. It was even more unfortunate to risk the spread among Americans of the belief that reconciliation is not what we desire in India."

Much was made of Philips' reference to the Indian army as mercenary, to the British share in the South East Asia Command's war efforts as but a token share, and to the quotation of General Stillwell relating to the poor morale of Indian officers. Whether these officers were Indian or British, is not clear and military expert authorities themselves claimed a certain margin in the standards of judgment, recruited anew and working in an area from which the British themselves had fled two years previously. With regard to the Indian army being mercenary, it may be remembered that even during Cripps' Mission, when the question of the transfer of Defence arose, it was openly stated that there was no such thing as an Indian army but only Army in India, that this army was primarily British to which the Indian troops were ancillary. What could such an army be? Some time previously, Gandhi had called the Indian army first mercenary. The late Sir Sikandar protested against the term "mercenary" which means "a hired soldier." Then Gandhi spoke of the Indian troops as "professionals." Whichever expression be used, the fact remains that the Indian troops could not be a patriotic army because there was not even an Indian army. A loud protestation by the British was heard on all sides that India produced two million volunteer soldiers. So it did. The fact of their being volunteers and not conscripts made their position worse for they volunteered to be professionals to fight a cause which was not India's, in a war in which India's participation was forced. In this connection, the reader's attention may be drawn to a statement made by Republican representative Calvin D. Johnson to *Reuter*, to a letter from a British M. P. Reginald Purbrick, published in the *New York Times*, in which he says:

"Stillwell is quoted by Mr. Philips in his official report to the President, U.S.A. as saying 'General Stillwell expressed his concern over the situation of the *mercenary* Indian Army and in particular in regard to the *poor morale* of the Indian officers' (Italics ours). It will be thus seen that both the contentious expressions are Stillwell's not Philips'."

A mercenary army—apart from the dictionary meaning of the term, was defined by Field Marshall Sir Philip (later Lord) Chetwood—ex-Commander-in-Chief of India as "a hired army from another country which comes to a country which does not belong to itself."

Some described the Philips' episode as a storm in a tea-pot. Others viewed it as a 'tea-pot' that developed into a storm. Whichever view might be correct, the fact remained that the thousand endeavours embarked upon by the British Government to carry on propaganda in America against the Indian National Congress were undone by this one episode.

On Thursday, the 5th October, 1944, Mr. Amery in answering a number of questions in the Commons stated that he saw no reason to release the members of the Working Committee. Strangely enough, even as he was giving these answers to a wonderstruck House, the Superintendent of the Fort (Ahmednagar Detention Camp) communicated to Dr. Syed Mahmud, a member of the Working Committee, Government's orders releasing him unconditionally. It was not a release on medical grounds in which case, Mr. Amery might have been presumed to be in ignorance of the event. It was a plain, unvarnished, unconditional release. Dr. Mahmud's sudden and unexpected release gave rise to much speculation but it was all set at rest by the publication of his letter to the Viceroy dated 7th September without the knowledge of his colleagues which left Government no alternative as Gandhi pointed out, but to release him because he fulfilled the two conditions laid down in the Viceroy's speech, namely, dissociation from the August Resolution and "withdrawal of non-co-operation and even of obstruction" in relation to war effort. Indeed Dr. Syed Mahmud went beyond these and proclaimed how he had all along stood for unconditional and exemplary co-operation. Dr. Mahmud's letter makes sad reading and when Gandhi tried to condone his act, it was evident that he was not posted with all the facts that lay behind the event.

### Legislature (November 1944)

The Central Legislature met in November for the autumn session. An interesting point connected with the session was that the Congress Party attended it—not a fraction of them as a revolt, but the party as a whole by a change of earlier decision without authority. Thus it was that after four years, Congress once again figured in the chambers and the lobbies, otherwise it achieved nothing and made no striking contribution to the inane and inept debates in the Assembly beyond helping to carry a censure motion against Government (1) on the accident at Baktiarpur Railway station yard when an engine moving without search light knocked down some nine passers-by and (2) on the food administration and its incompetence. The pathetic part of the participation of the Congress in the proceedings of the session was that by so doing the Congress party allowed itself to be jockeyed into reversing an earlier decision of the Working Committee of May 1938, by the revolt led by a few Congress members during the Budget session (1944). Other points of interest related to the number of detenus still in prison, aggregating to about 2,100 and of convicted (political) prisoners nearly 8 times the number, there being under this category in Bihar alone over 4,000 and in U.P. over 3,000. On the question of food sufficiency, Government became a good deal sobered down and made statements which were cautious to a degree. Mr. Sen, the Director-General of Food supply and Mr. Griffiths made frank statements which showed how far from perfect the arrangements in vogue were, both in regrd to procurement and transportation, and every one was impressed with the absence of that foolhardy self-confi-

dence which had characterized earlier statements. The Budget Session of the Central Legislature in February to April 1945, however, gathered greater interest and attracted better attention. There was some unnecessary and unsolicited interest shown in the transfer of the members of the Working Committee from Ahmednagar Fort Camp to their respective provinces. It looked as though Government also were keen on the suggested change of scene and surroundings not on account of any sympathy for the members, too long detained in one place, nor out of a spirit of responsiveness to public opinion, but under pressure of Military authorities on account of the growing numbers of the regiments returned towards the fag end of the European war. Really the centre of interest in the Budget Session is the Budget itself and the combined action of the Parties in the Assembly succeeded in inflicting so many as 27 defeats upon Government—the record number yet reached in the annals of the eleven Budgets since 1934. There was little of political interest in the debates themselves.

The New Year (1945) brought no relief either to the Congress or Government. The former lay in repose in the thought that " its leaders in jails " continuing to be detained in prisons or Forts, "were" in the words of Gandhi "doing their duty by being there." In response to a large number of enquiries especially from students, as to how the ninth of each month should be observed, Gandhi stated :

> " A Satyagrahi in prison never rots ; he serves his cause by his imprisonment, but it is the duty of those who are outside not to forget those who are in prison. I, therefore, like the idea of students abstaining from going to school on the ninth, provided they devote the whole day to self-purification and service. Whatever your decision, let not the bounds of propriety be transgressed and let the decision be taken after due consultation with your teachers and school management. Do not forget that yours is not a Government school."

The conditions for abstention laid down by Gandhiji should be carefully noted, says Mr. Pyarelal ; the emphasis is not on abstention, but on the programme of self-purification and service. Gandhiji's advice in no way affects the principle that students, unless they have made up their minds to non-co-operate with and leave their educational institutions for good, must conform to the rules and discipline of those institutions.

Gandhi had done his best to drive off defeatist mentality from the mind of the public by his suggestions to Government soon after his release, followed up by his proposals to Mr. Jinnah. For the rest, he restated the Constructive Programme and created a new interest in it amongst the public and the released Congressmen who were overtaken by a sense of frustration.

Later he remained virtually silent on the political question except for inviting the attention of Government and the public to the fact that nothing could be done so long as the Working Committee was in prison. On the part of Government they found no rest on account of the pressure that was being brought from all sides for the release of the leaders in India and abroad. While propaganda was thus being carried on abroad those in the Ahmednagar Fort, were giving room for concern and even anxiety by the successive reports in the Press and enquiries in the Central Legislature about their progressive deterioration in health. All were transferred to their respective provinces in March and April 1945. Only Shri Kripalani was sent to the province of his birth which, however, he had left for over two decades. But the pressure on Government did not relate merely to the release of the leaders, although it was true that the President of a non-political body like the Trade Union

Congress made the demand on January 21, and a moderate political body like the Liberal Conference on March 18.

In particular there was tearing, raging, propaganda in America and reference may appropriately be made here to the embassy, so to put it, of Mrs. Vijaya Laxmi Pandit to America on behalf of India in the winter of 1944. She toured the country from end to end and moved innumerable audiences in America as much by the force of her arguments, as by the sweetness of her voice and the charms of her eloquence. She declared from platform after platform how India had been the first even at the zenith of Mussolini's career to condemn Fascism and uphold the ideals of Democracy. She was at a great advantage in depicting the scenes of Misery in Bengal in that she had been an eye-witness to the sufferings of the famished and the naked during the man-made famine, created by war, shortly before her departure for America. She charged America with failure to clarify her views and attitudes towards India and charged President Roosevelt himself with having maintained studious silence at a most critical moment in India's national life. Her speeches do not seem to have been widely reported in America ; but in England they attracted the attention they deserved and Mr. Amery described as obviously fantastic, her statement that India was a vast concentration camp. She reverted to the charge and threw out a challenge to disprove her statement. She took no little part in the attempt of Mr. Emmanuel Celler to get the permission of the Congress to allow a certain number of Indians annually to emigrate to America. She exhorted the English from the American platform to lay down their 'white man's burden' which they had borne long enough. She was disgusted with the results of the Second Pacific Relations Conference, where discussion tended to become theoretical and academic, taking little account of human values. She was the recipient of many happy dinners and parties given by the ladies of America, in her honour from Mrs. Roosevelt to Mrs. Clere Luce one of America's picturesque women public workers. At Cleanland she told a Council of World Affairs' audience that India is a major stumbling block in the path of World's peace and emphasised how the question of India sums up the whole moral issue of the war and asked how the Democracies fighting for the professed purpose condone the suppression of India's 400 millions. She declared that the problem of India was not one of cold storage to be thawed out after the war and after the peace terms were settled. In a nation-wide broadcast from New York, she asserted that Asia would be the testing ground for all the theories advanced by the United Nations. But the continuation of Colonial Empires would be a constant danger to world peace and the progress of humanity.

While she could take no active part in the San Francisco Conference, for obvious reasons, she made herself available to give information to the delegates and the Press when the Pacific Colonial Policy came under discussion. In an interview with the *United Press of America*, she assailed British, Dutch and French insistence that dependent peoples under the proposed World Trusteeship system be given only a promise of self-government instead of true independence. She urged the United States not to permit American traditional position and vast prestige to be tarnished by conceding European Imperialistic demands. At the Scottish rite auditorium in San Francisco, she addressed an audience of 2,500 persons and boldly stated that the people of Asia unless given some guarantee, would rebel.

The Liberal Federation was against Pakistan for National Government as presaging the establishment of an Indian Federation. In addition, it strongly pleaded for the Indianization of the all-India services and expressed a sense of alarm at the policy pursued. This question had been agitated for

sometime past and Mr. Amery while remaining adamant and laconic in the question of releases, created a wrong impression by stating in the Commons in answer to an enquiry from Captain Gammans that according to latest figures available, the number of European officers employed on January 1, 1943 was 1,771. "I am circulating with an official report information as to the services to which the officers belong." In November, 1944, did Sir N. N. Sircar and Kunwar Sir Jagdish Prasad, ex-Members of the Viceroy's Executive Council in a joint statement ask that all recruitment to the I.C.S. should henceforth be confined to Indians.

Lord Wavell went one better than his former Home Member Sir Reginald Maxwell (who had denied on the floor of the Legislative Chamber that there was any deadlock at all in Indian politics) when His Excellency asserted that the existing Executive Council was a National Government, because it was preponderately composed of Indians (11 out of 15).

It was in accordance with a well established custom that Lord Wavell addressed once again (for the second time) the Associated Chambers of Commerce, Calcutta on the 14th December, 1944. By the way, this convention is a somewhat significant commentary on the character of the British Rule in India,—that a Viceroy should be required annually to hear a lecture from the money-making British merchants in India and deliver in turn a lecture to them on the way he is discharging his trust and the benefits he is regularly passing on to the real beneficiaries under the Trust. The old East India Company continues still, only it is no longer a limited company and the shifting members of the unlimited firm demand due explanations from their "General Manager." Lord Halifax may tell the innocent Americans that Britain does not draw a cent by way of tribute from India. But she draws on British businessmen in India an average profit of $760 millions.

Accordingly, Viceroy's speech constitutes a weighty pronouncement on the momentous problems of the day. During a great World War, every question becomes ancillary to that of war even as every department of administration becomes subordinate to the War Department. It was thus that Lord Wavell as Viceroy-designate had, in the previous year, while still in England, placed the winning of the war as the foremost item of his mental bag and the loosening of the deadlock as the last of the three items. He was singularly true to the order of importance assigned on that occasion, to war, socio-economic programme and politics. It may be remembered that on that occasion he had stated that the pendency of the war did not forbid the solution of the political problem. We may also recall to the reader's memory what Lord Wavell stated in his address to the Central Legislature on the 17th February, 1944 after calling upon individual Congressmen to repudiate the August (1942) Resolution of the A. I. C. C. (Bombay) in consultation with no other than their own consciences and stating that he could not advise the release of the members of the Working Committee as long as "all non-co-operation and even obstruction was not withdrawn." He added that these were not however his final thoughts.

In his second Calcutta speech Lord Wavell dispelled any doubts lingering, in the minds of those who being optimistically inclined, might have been expecting a relaxation of the rigid conditions he had laid down for the loosening of the political deadlock. His second year's thoughts were obviously sterner than his first year's for while he severely left alone the question of the release of political prisoners, he made observations on the effect of war on India, on the National Government and on the treatment of the malady of the body politic, which were wholly staggering and were not complimentary to his reputation as Warrior, Statesman or Poet. Lord Wavell

proved true to the English tradition and British genius so well described by Charles Dickens when he described the British governing classes as perfect masters in the art of " How not to do it ? " Accordingly in December 1944, Lord Wavell had converted his mental handbag of the Pilgrim's dinner fame into a medical handbag of the Associated Chamber of Commerce reputation. He changed from a preacher of politics to a purveyor of pharmaceutics. He condemned the time-honoured methods of treatment by pills and potions and recommended a system of ' Faith Cure ' for which the Christian scientists in Britain had been long prosecuted. Despite Wavell's own dictum that interchangeability between the Statesman and the Soldier passed for ever in Lord Wavell, the soldier became a statesman and now the statesman became a war doctor. He was hard up for medicines and had recourse, like the mountebank of genius that he was, to expectant treatment which regards time and patience as the only remedies.

With withering contempt for Indian culture, he condemned all "Quit India" mixtures and 'Satyagrahic Pills' and pleaded for ' Faith in Britain' and ' work in fields,' indeed, in " perfidious Albion "—which repudiated the Atlantic Charter in India, Greece and Poland, which had helped or countenanced Franco in Spain, Mussolini in Italy and the Japs in Manchuria. Yes, faith could be pleaded for if " no army, or navy or air force served Westminster and Whitehall", if Britain's weapons were " Faith, Hope and Charity (Love) if its Runnymeades and Bruamboroughs were replaced by its unconquerable soul." But the deep tides that move the nations are doubtless understood by the Churchills and the Wavells and they cannot be under one set of Gravitational Laws for Britain and another for India. Faith cannot be blind but must be rooted in knowledge of the person, place or thing you repose it in. Faith is not placed in a doctor found to be incompetant, selfish, cruel, greedy. Faith is not a vision but a fulfilment. In whom is India to put faith—in Winston Churchill who publicly declared that it is not unjustifiable to tell an untruth—if it be to deceive an enemy, or in President Roosevelt who denies that any one signed the Atlantic Charter and upholds the partition of Poland against the will of the Poles. "Faith is good ; Faith is uplifting ; Faith of the measure of a grain of a mustard seed moves mountains "—but faith to be sincere and potent must be a spontaneous growth. Faith cannot be forced at the point of the bayonet, cannot be injected by doctrinaire politicians or self-advertising charlatan, much less by self-centred statesmen. Well indeed did his whilom colleague—Sir Homy Mody declare that " if India required a Faith cure, Whitehall stood in need of a Blood Transfusion."

India has not forgotten what Premier Winston Churchill said to Mr. Philips on self-government for India :—

> " I have always been right about Europe. I am also right about India. Any change in policy now will mean a Bloodbath."

Nor could we ever forget the truthful and ringing words of Joynson Hicks, (later Lord Brentford), Home Secretary who said :

> " Let us be frank. Let us clear all our minds of cant. We are in India not for the love of the Indians, but for what we can make out of it. The next time, a member of the present Government thinks about India honestly and reveals his thoughts honestly, he will say exactly the same thing, that ' we are in India not for the good of the Indians but for what we can make out of them. '

Let us have a peep into the British record and see whether " the British stake in India is too great for the Imperialists to allow the Indian people their freedom without a bloodbath that Churchill spoke of." Here are but a few of the facts :

1. Interest on the Indian public debt of $3,600,000,000 amounted to $100,000,000 per year.
2. Fifty per cent of the capital in Industry, Mining and Transportation is British. Two-thirds of the capital in Banking, Insurance, Plantations and Commerce is British.
3. British hold monopolies in shipping, tea, coffee, rubber, jute. They control 50 per cent of cotton and milling capital.
4. Grand Total of British capital in India—$7,800,000,000 which yields average profit of $700,000,000.

Is it any wonder then that Mr. Churchill refuses to preside over the liquidation of the British Empire ?

Contrasted with the above, we present the following facts :

(*a*) Income per Indian is $13·50 as compared with $369·00 in England and $680·00 in U.S.A.

(*b*) Coalminers' Wages : Men—twenty cents a day ; women and children—ten cents a day.

(*c*) Plantation labourers—6 to 10 cents a day.

In Bombay and Ahmedabad, centres of India's large Textile Industry, 20 per cent of the workers sleep on the pavements while the leading Textile firms are making 100 per cent gross profits. Skilled Textile workers in Bombay, the highest paid centre, work 54 hours a week and average Rs. 33 a month ($11·000). In the northern part of India, the average wage is about Rs. 12 a month ($4·00). This was revealed by S. A. Dange, President, All India Trade Union Congress in an interview.

Lord Wavell could little realize that the Faith he pleaded for in Britain would not yield the Freedom pills which alone could regenerate the pale, careworn, ill fed, devitamized body politic of India. In the latter part of his speech, Wavell dwelt upon the good work done by his Executive Council, which in spite of all the criticism and abuse heaped on it was doing, he thought, an essential job of work for India and was doing it on the whole extremely well. To the eleven, who composed the Council he had a chance of adding a twelfth Indian in place of Sir Jeremy Raisman, the retiring Finance Member but Sir Archibald Rowlands was appointed to his place. Wavell, however, was not altogether forgetful of the truth when he said : "This does not mean that some other National Government—national by my definition, but based on the support of the main political parties, might not be more serviceable to India's needs" because "the efforts we have to make now and in the future demand considerable sacrifices" and "the average man is not willing to make these sacrifices unless he is coerced by a dictatorship or led by those in whom he has great confidence." In other words, the so-called National Government of Lord Wavell's at the time was the dictatorship whose powers of coercion were, as even he recognized, limited, and therefore he would want a National Government commanding the confidence of the people. In saying so, Lord Wavell was willing to admit that "it might be more serviceable to India's needs, not because such a Government would be necessarily more efficient than the present Government, but because the efforts we have to make now and in the future demand considerable sacrifices. The average man is not willing to surrender comfort and income for the benefit of those poorer than himself or of future generations unless he is coerced by a dictatorship or led

by those in whom he had confidence." Obviously the viceroy was overborne by the thought that his existing National Government was a dictatorship whose powers of coercion would necessarily be limited because the average man in India had not the necessary confidence in it. Lord Wavell betrayed a pedagogic outlook and a military circumscription of view when he thanked his eleven Indian colleagues because "they are accomplishing the main tasks and supporting our war effort to the entire satisfaction of the military commanders." This statement alone showed that this military Viceroy had no genius for the constructive statesmanship which the post-war requirements demanded of him. But what was worse, it showed also that he was incapable of visualizing the huge demand that the war in the Pacific would yet make upon India which was to be the central base of operations against Japan. All these, however, were indicative of Lord Wavell's failure of imagination, if what he said was all that he felt on the subject of India's freedom. What should we say to the two serious blunders he committed in dealing with the economic aspects of the war and the political causes of the deadlock? Was it callousness or myopia that made Lord Wavell say that the war strengthened India instead of weakening it ? The seventy lacs of people that died in Bengal which he is not unwilling to debit against the war, the all-out shortage of food supply in India which even Mr. Amery had to admit, the failure of distribution of machinery, the agony over cloth in particular and the black-markets in general, the continued prevalence of inflation and the rise in the index of prices to 237 against 30 or 40 per cent in Britain; all these were not marks of strength but of weakness arising from the war.) When, however, he gave an honourable acquittal to His Majesty's Government on the ground that they had made two attempts in the previous decade to solve the deadlock—the India Act of 1935 and the Cripps' Mission, he was citing ancient history in regard to the first and a propagandistic trick in regard to the second. The first was an Act passed in the teeth of India's opposition and directly against the unanimous wishes of the Indians as embodied in the famous Aga Khan's Memorandum presented to the second Round Table Conference. The Cripps' Mission was undertaken at a time when a Japanese invasion was apprehended and it was withdrawn, the moment those apprehensions faded away. This is not the occasion for repeating all the crudities, the perversities and the constitutional frauds which the Cripps' Proposals abounded in and Lord Wavell who was individually perhaps as responsible for their failure as Lord Linlithgow knew the Truth better than he was prepared to admit. The acme of the Viceroy's performance was reached when he added insult to injury in suggesting that to any section of responsible opinion a National Government in this crisis meant a government in which its own particular party was in power, and that the "primary task of such a Government, if it were possible to form one in India, would have to be support of the war effort not merely by lip service but sincerely and wholeheartedly." The former suggestion is a *suggestio falsi*, and the latter insinuation is a *suppressio veri*. Which party in India has ever asked for its exclusive call to power in the National Government so loudly demanded and so clearly defined ? Again which statement of the Congress could Lord Wavell quote in justification of the unworthy insinuation that it would render support to war only by lip service and not sincerely and whole-heartedly ? These tactics ill-fitted with the dignity and decorum which one would like to associate with the speaker and the occasion.

Let us quote on this subject the wise words of an Englishman Dr. Lucas who in delivering his address to the Punjab Economic Conference said :

"The Viceroy in Calcutta the other day made what seems to me a strange statement, namely, that India was stronger, as a result of this war. In a military sense, of course, the truth of this is so obvious, that it hardly needs to be stated. But in an economic sense while in certain lines there has been progress in others there is very serious deterioration. Take the entire transportation system,—in the railways our road-beds are rougher, rolling stock and engines wearing out, and equipment and replacement very meagre and the train service of such character that one dreads a journey like a nightmare. Our pucca roads cannot be properly surfaced and our lorries and buses have sunk to such a state that accidents are frequent. Telephone and telegraph service is limited and congested. All articles of luxury or even comfort and convenience are wearing out and replacements not in sight. The bulk of our mill and factory machinery is wearing out and becoming obsolete as well. We have started no major basic industries except those directly related to war output, which will be of little value after the war; at least without extensive and probably expensive readaptation. The numbers of skilled workmen and semi-skilled have increased largely, but whether such wartime skill can be readily readjusted to peace time production is a question. Famine and pestilence have laid heavy hands on parts of India and political unrest has resulted in considerable destruction of property and loss of life—a Punjab Mail Train was derailed only a few days back as a result of sabotage. I state these undisputable facts because it seems to me that the Government acts at times as if unaware of realities".

The need to end rule under Section 93 in the provinces was stressed by Sir Jagdish Prasad former Member of the Viceroy's Executive Council, in a statement to the Press :—

The Viceroy has assumed for the moment the role of a medical adviser to political India. It is respectfully suggested that his advice is badly needed by some of his Governors. The Section 93 pills have now been administered to 200,000,000 people for over five years and are doing no good either to them or to their Governors. The Governors would feel all the better if they were forced out of their political seclusion into some companionship with Indian colleagues. The Viceroy has found such companionship all to the good. India would be grateful to him if he were to persuade, and if necessary order, six of his Governors to follow this well-tried prescription."

## CHAPTER XXVI

### Wavell Acts

The new year (1945) opened with Mr. Amery's refusal to consider the release of Congress leaders. Shortly after, however, on the 15th January, Dr. P. C. Ghosh who had been ill since the 20th May, 1944, was released on medical grounds and report were widespread that some kind of understanding was being attempted between the Congress and the League which might facilitate the release of other leaders.

When a patient is seriously ill, friends and relations are most anxious to get away from the death-bed scenes in search of physicians and surgeons, stimulants and medicines, talismans and *jadugars* each bent according to his lights on doing aught to save the dying patient or paving his way to Heaven smooth. When the Congress was bound hand and foot, when all access was denied to it and when its voice was hushed behind Fort walls and Prison bars, not a few were its anxious friends and well-wishers who, bent according to their lights on striving to unlock the doors of Forts and open the gates of Prisons, contrived different means and adopted differing methods to solve the political tangle which they found around them. Public meetings of all sorts of organizations—of Local bodies, Chambers of Commerce, Women's congregations, Trade Union Conferences, Labour Societies, Industrial Organizations, Bar Associations and Students' Conferences passed resolutions demanding the release of leaders and the loosening of the deadlock. The Press in the country which remained a consistent and constant supporter of war effort, satisfied its conscience by writing vigorous leading articles embodying protests and demands, exhortations and warnings, threats and alarms which were characterized by their regular periodicity and their unimpeachable precision. The Liberals, Hindu Maha Sabha, the Depressed Classes, the Non-League Muslim Majlis—all joined their loud voices to the general call for release of leaders and the resolution of the deadlock. The Non-Party Leaders' Conference—quite a ponderable and telling organization judged by the high offices and titles held by its personnel, moved in the matter from time to time and at last settled down to earnest work in terms of the Viceroy's demand (17th February, 1944) in favour of a small committee, exploratory and conciliating in character, and their labours met with the warm and prompt approbation of the Viceroy himself. While matters were thus developing, a new step was taken by Shri Bhulabhai J. Desai, Leader of the Congress Party in the Central Assembly, who resumed his duties in the Legislature formally and fully towards the end of 1944.

Shri Bhulabhai's visit to the Viceroy on two occasions in 1944 and in between to Gandhi at Wardha, coupled with his talks with his old friend Nawabzada Liaquatali Khan, Deputy Leader of the Muslim League Party, gave rise to strong reports that they had a plan for the resolution of the deadlock which proposed a National Government on a certain basis, popularly known as 40 : 40 : 20. This was, however, denied by the League Deputy Leader. It was reported that when Shri B. J. Desai met Gandhi, the latter, expressed no hope that the deadlock could be resolved by these mere constitutional proposals. The problem was much bigger, more complicated and comprehensive and required something more than merely a constitutional patch-up to solve it. Gandhi nevertheless allowed Bhulabhai to proceed with

his efforts. He had stated the essence of his proposals to the Viceroy in his July interview with Mr. Gelder of the *News Chronicle* and sent copy of it to the Viceroy. In the aggregate, Gandhi was not satisfied with the contents of the proposed agreement standing as they did, bereft of a declaration from the British Government, of India's Independence which whenever it might be worked out in full, had to be proclaimed, "now and here" so as to enable India to participate in the war not as a vassal under duress but as a nation free to choose and to act. To him as to the Congress, the content of the settlement should be of a twofold nature, a *present* which is the promise and pledge and proof of the future and a *future* which would be the fruit and fulfilment of the present. The Cripps' Mission had failed because it could not embody both these in its offer. And no proposal would meet with acceptance which did not satisfy these two conditions. They were the essence of the Bombay Resolution of August 1942 and they should be the substance of any settlement whenever that should come about.

Just at this time the 20th April, 1945 the last of those oft-recurring occasions for dealing with India arose and Mr. Amery, moving that the House of Commons should approve the India (Failure of Constitutional Machinery) Orders relating to Madras, Bombay, the United Provinces, the Central Provinces and Berar, and Bihar, said that their purpose was to extend the authority of the Commons for another year in regard to the system of direct rule in these Provinces—a rule which came about in circumstances with which the House was familiar.

Mr. Amery said the House had deliberately limited its authority to 12 months in order to emphasise that the situation was regarded as provisional and abnormal. If, in any of these Provinces political leaders were prepared to come forward and form a Ministry, prepared to support the war and give reasonable assurance of stability and support of the Legislature, it would be the duty of the Governor to constitute that Ministry.

Two days after came Bhulabhai's revelation at the Frontier Political Conference (April 22nd, 1945) at Peshawar.

At the first Provincial Political Conference held in any British province since August 1942, Mr. Bhulabhai Desai speaking on the main resolution demanding the release of Congress leaders and the formation of a National Government at the Centre revealed that there were the proposals before His Majesty's Government for the formation of an interim Government at the centre. He hoped that they would be accepted by Britain and approved by Indian friends. He demanded that Britain must declare that the Indian Government or its representatives would in all world affairs, conferences and organizations, be equal to the representatives of other Governments. The conditions of the Bhulabhai-Liaquat Pact which were not published till the first week of August 1945 were, however, known even so early as in April and may be given here along with the Nawabzada's statement in order to facilitate a better understanding of the subject :—

Nawabazada Liaquat Ali Khan, General Secretary of the All India Muslim League, in a statement explained the genesis of the so-called Desai-Liaquat Pact, and published the text of the proposals which he says Mr. Desai gave to him in confidence in January last.

The following is the text of the statement :

"I am informed that Mr. Bhulabhai Desai, Leader of the Congress Party in the Central Legislative Assembly, has told the local Press of Bombay that the so-called Desai-Liaquat Pact cannot be published as I desired that it should remain confidential. As such a statement by Mr. Desai is bound to

create misunderstanding, I feel I must place all the facts before the public in this connection.

Mr. Desai met me after the last autumn session of the Central Legislative Assembly and we informally discussed the prevailing distressing conditions in the country, economic and otherwise, and the terrible hardships and plight of the people due to the situation that was created on account of the war. The war in Europe was raging in the full fury and there was no indication as to when it would end, and it was the opinion of everyone that it would take at least two years after the termination of hostilities in Europe to bring the war to a successful conclusion against Japan. India was to be the main base of the Allies for military operations in the East against Japan, which meant greater sacrifices by the people of India and much greater hardships and privations than what they had been facing in the past.

It was recognised all-round that the Government of India, with its present composition, was incapable of dealing effectively with the various problems which had arisen and were bound to arise in the future.

Mr. Desai, during the course of the conversations, asked me about the attitude of the Muslim League with regard to some interim arrangement at the Centre and temporary reconstitution of the Governor-General's Executive Council in a manner which would secure for it the confidence of all the peoples, so that it may be able to help them in their present plight and deal more effectively than what had been done in the past with the serious situation that was bound to arise in the future on account of the prolongation of the war. I explained to him the position in the light of the resolutions that were passed from time to time by the Muslim League in this connection and told him that my personal view was that if any proposals were made to ease the situation, the Muslim League was bound to give its very careful consideration to them, as it had always done in the past, because the Muslim League had always been anxious to come to the rescue of the people and assist them in their sad plight and help the country in tiding over the difficult period ahead. Mr. Desai saw me again in Delhi in the beginning of January this year just as I was leaving on a tour of the Madras Presidency and showed me some proposals which had been drafted for the formation of an interim Government at the Centre, a copy of which he was good enough to give me and which was to be treated as strictly private and confidential, and on the basis of which he told me he was going to make an effort to bring about a change in the composition of the Government of India.

He told me his plan was to meet the Viceroy and Mr. Jinnah in this connection. I told him that in my personal opinion the proposals were such that they could be made a basis for discussion, but I did not see any prospect of his making any headway unless he could either get Mr. Gandhi to move in the matter personally, or get his definite approval and open support for the move that he was making, as Mr. Gandhi was the only person who could deliver the goods on behalf of the Congress in the absence of the Working Committee. During my talks with Mr. Desai, which were purely of a personal nature, I made it absolutely clear to him that whatever I had said was my individual view and I was not speaking either on behalf of the Muslim League or anyone else. If and when Mr. Desai felt that he could speak with authority on behalf of the Congress, he would have to approach the President of the All-India Muslim League, who was the proper authority to entertain any proposals on behalf of the Muslim League.

This is the history of these proposals which have been described in the Press by various names, such as Desai-Liaquat Formula, Desai-Liaquat Pact and so on. I have scrupulously respected the wishes of Mr. Desai and have

treated the draft proposals as strictly private and confidential and have not shown them to anyone, but in view of the statement of Mr. Desai and the confusion that is being created I feel that these proposals should be published. Hence I am releasing them to the Press :

The following is the text of the proposals, which are headed. "Proposals for the formation of Interim Government at the centre." :

"The Congress and League agree that they will join in forming an interim Government in the centre. The composition of such Government will be on the following lines :

(A) Equal number of persons nominated by the Congress and the League in the Central Executive. Persons nominated need not be members of the Central Legislature.

(B) Representatives of minorities (in particular Scheduled Castes and the Sikhs).

(C) The Commander-in-Chief.

The Government will be formed and function within the framework of the existing Government of India Act. It is, however, understood that if the Cabinet cannot get a particular measure passed by the Legislative Assembly, they will not enforce the same by resort to any of the reserve powers of the Governor-General or the Viceroy. This will make them sufficiently independent of the Governor-General.

It is agreed between the Congress and the League that if such interim Government is formed, their first step would be to release the Working Committee members of the Congress.

The steps by which efforts would be made to achieve this end are at present indicated to take the following course :

On the basis of the above understanding, some way should be found to get the Governor-General to make a proposal or a suggestion that he desires an interim Government to be formed in the centre on the agreement between the Congress and the League and, when the Governor-General invites Mr. Jinnah and Mr. Desai either jointly or separately, the above proposals would be made, desiring that they are prepared to join in forming the Government.

The next step would be to get the withdrawal of Section 93 in the Provinces and to form as soon as possible Provincial Governments on the lines of a coalition."

As affairs in India were tending to move thuswise in spite of the reactionary attitude of the Secretary of State as well as the Viceroy, the glad tidings to a grateful world of the triumphant end of the European war was proclaimed on the 7th of May and reached us in India on the 9th. In itself the news was welcome but to the hearts of the Indian public, it brought little relief, for India had fought only as a slave to free the occupied countries and enslave a free country and was not as yet a participant in the charms of victory or the glories of war which statesmen had sung and warriors had proclaimed for five and half long years. There could be no national rejoicings in India whose heart was depressed by the sight of her leaders in prison and herself in slavery. While Mr. Theodore Morrison withdrew Defence Regulation 18-B, the Ordinance III of 1944 continued in India as if nothing had happened in the way of the European war ending.

Even in England Bernard Shaw did not celebrate the V-E Day because "There is no peace yet in Europe—the worst is yet to come." The future of Europe was to him horrible to contemplate because of the bloodshed and destruction that has been wrought and the starvation and destitution that is

bound to come. "I do not join the fools who are pratting away about this peace and who are celebrating as if everything is over when in fact, perhaps the grimmest time still lies ahead for all Europe. How can serious people rejoice amid the devastation and destitution that is Europe today?"

He asked, "There are millions starving and they include little children. There are great cities in ruins, tracts flooded with millions dead and maimed. How can we proclaim the burning of Berlin as Victory? Berlin is not the German capital; it is a world capital as much as New York and London are world capitals with their culture. You cannot destroy the culture of centuries and consider it victory. The days when wars ended with victory for one side are gone. Now it results in destruction and destitution for all. You cannot stop war and there can be no permanent peace. While men have fists they will fight fists if they cannot have cannon, flying bombs and aeroplanes. So why talk about disarmament? Russia has emerged as the strongest European power because the Russian people have been fighting for their system and for their country while the rest have been fighting for their landlords."

Manifestoes flew from all sides demanding the release of the politicals in India, while Bertrand Russell came out with an emphatic version of his oft repeated theme that Britain should "Quit India." "The British Government should at once give an undertaking to evacuate India at a stated time (say one year) after the end of the Japanese war."

Centuries have rolled by since Plato propounded his philosophy and Kautilya wrote his famous work on polity—the *Artha Shastra*. Human life has nevertheless remained the same. The yearnings of the human mind and the lamentation over human foibles continue to display the same depth of emotion and exhibit the degree of poignancy as ever before. Well may we pause, in this rapid survey of human progress of or want of it, at the times of Erasmus who as professor of Divinity and Greek at the Cambridge University wrote his famous thesis on War in a letter to Father Anthony of Bergen, dated March 14, 1514—a letter inspired, as it is said, by the war which was already enveloping his country.

## Wavell's Visit

For some time prior to Wavell's departure for London on March 21, 1945, his contemplated visit had been widely advertised and repeatedly referred to in the Press. He, however, had left suddenly by a plane and Mr. Amery in referring to the visit stated that while advantage would be taken of the visit to discuss the constitutional position, too much should not be expected from the event. As a matter of fact, Lord Wavell was invited by Mr. Amery himself to go to England for consultations. The situation was indeed serious on every side. British public opinion, was insistent on the deadlock in India being loosened as much in the interests of the United Kingdom as of India herself. That was the note struck by Edward Thompson from his sick bed, by Bertrand Russell on his return to England from America, by the *Times*, and of course by the Liberal and the Labour Press. There was the resolution of the Labour Conference asking for a move in this direction unattended to as yet by the India Office for the appointment of a Labour Lord, Lord Listowell as Under-Secretary for India, was no answer to the demand for the release of the Congress leaders and the resolution of the deadlock. Again Britain had cut a poor figure at its own Commonwealth Relations Conference, with its own well chosen delegates; for Sir Mohmed Zafrulla, the Federal Court Judge who had led the delegation had spoken in a manly

and patriotic manner and the selection of "trusty and beloved" lieutenants like Sir Ramaswami Mudaliar and Sir Feroz Khan Noon to the World Security Conference at San Francisco which came off on April 25 (1945) was no answer to the Federal Judge's demand for a date and decision regarding India's freedom. Judges are not swayed by eloquence, forensic or rhetorical, they want issues and findings, dates and decisions. Raja Sir Maharaj Singh was there too in London, outstaying the Commonwealth Relations Conference to meet Wavell in London though for a couple of days. He combined in himself the administrator and the politician and he was the President of the All-India Christian Conference. One notable point was the sudden and secret departure of Lord Wavell to England which had not made it possible for Mr. Jinnah to see him before his departure as Mr. Jinnah owing to indisposition could not keep the engagement on the appointed date in March. It was presently announced by Mr. Amery that he and Wavell would discuss the question of the release of the members of the Working Committee. That the political situation and the subject of India's constitutional position would form the subject of talks, was indicated by the fact that Mr. Menon, successor of Mr. Hodson as Reforms Commissioner, accompanied Lord Wavell to London.

Various were the reports set afloat about Wavell's work and programme in London. The *Globe Agency* had it that some striking announcement would be made in London on the 12th April. In the meantime, it was announced that Sir Francis Mudie, the Home Member, accompanied by Sir Conran Smith, Home Secretary, were invited to London and would be going to discuss questions relating to All-India Services. This looked a wee bit absurd. However, the fact remained that they did go. There was an air of reality when it was said that the visit related to the recruitment of the All-India Services (Civil, Medical and Police), for according to the working of the Act of 1935, the continuation of the recruitment of these services on pre-existing lines which was proposed originally for a period of five years only in the White Paper (1933), was later extended to ten years and the year 1945 marks the proper time for a reconsideration of the question. But it was also said that the invitation extended to the Home Member was for the Viceroy to seek support in the former for his suggestion that the political prisoners should be released. This view doubtless looked far-fetched for a Viceroy whose word would not carry weight in this behalf could hardly get added weight by the additional testimony of a subordinate of his.

Various and diversified were the reports that continued to emanate from the usual sources of *Reuter* to which were added the *U.P.I.* and the *U.P.A.* about the fortunes of Wavell's mission. One day it was all successful, next day it was all a failure coupled with the *Viceroy's threat to resign* ! Whatever be the object of such conflicting reports, their result was to create confusion in India which was not perhaps far removed from the object aimed at. A section of the Press had degenerated so far that a reputation for trustworthiness of news and reliability of reporting did not happen to be the virtue, which correspondents appeared to be cultivating. The return of the Home Member to India early in May was followed by gloomy and pessimistic forecasts about the Wavell mission which were not, however, compatible with the call for the presence in London of the Commander-in-Chief soon after the Home Member's return. On the eve of Lord Wavell's expected return (about the 8th of May) wild conjecture was at work to forecast the possible results of the visit. Cripps' Proposals had never faded from public view though public gaze was never arrested by them after their formal withdrawal. Neither the repeated statements that "they were alive,"

made by Mr. Amery nor the emphatic assertion that they "remained open in their broad outline in all the scope and integrity" as presented by Mr. Churchill, attracted notice in India. Nor had the rumours prevalent on the eve of Wavell's return that Cripps' Proposals were being seriously revived with the Executive Council, composed of all Indians except the Commander-in-Chief and that they would be responsible to the Viceroy not the Legislature, been received with anything but the contempt with which they had once been spurned.

There were then the Bhulabhai-Liaquat talks which were the one direct constructive suggestion placed before Lord Wavell before he left India. If, however, these talks should take shape, how would they advance the position created by the Cripps' Proposals beyond fixing the percentages of communal representation in the Central Executive? But the more important question was what chance had these of being approved by the Congress Working Committee or would they ever be placed before it? If the latter, how would they help the British to feel and state that a National Government was being formed? To be able to say that the Congress approved of them, they must at least be approved of by the Congress Party in the Central Legislature. Could they get the vote of at least 23 out of the 44 members that formed the Party? And supposing they did, would the Working Committee of the Congress keep looking on while smaller bodies usurped its authority? And supposing the Working Committee repudiated the Legislative Party's approval, what would be its reaction on Government? These and like issues were being debated in India while Lord Wavell was conducting his talks with the utmost secrecy and while the position of India was being hotly debated at San Francisco.

At the World Security Conference, Britain's position was not quite happy either. Molotov's challenge in regard to the change of Chairman at the General Meetings of the Conference threw an apple of discord and a compromise had to be made so that the Steering Committees would have a change of Chairman rotating amongst the Big Four. As for the Indian delegates, Sir Feroz Khan Noon was wreaking vengeance for the unceremonious way in which his stenographer was summarily turned out from a press conference of Mrs. Pandit, by denouncing Gandhi as pro-Japanese (a charge which Mr. Amery had obsequiously denied ever having made) and demanded that he (Gandhi) should yield his leadership to Jawaharlal Nehru (a point already announced by Gandhi in January 1942 at Wardha). Well did Gandhi reply by saying that he had not been even a four-anna member of the Congress since 1934, that he did not seek leadership, that he had left Delhi long before the final talks with Cripps began, that he had already declared Nehru as his successor and that Sir Feroz Khan Noon should, on a threat to resign, his high job, strive for Nehru's release. It was no answer from Noon to say that if Gandhi accepted his advice on its merits, he must follow it and resign his leadership as a good deed and not as a piece of a bargain. The fact was Gandhi's good deed was already done. He was only testing Noon's sincerity about Nehru's leadership. Gandhi himself knew that leadership was not a favour to be conferred by a predecessor on a successor and he was only echoing what he considered the *vox populi* in making his forecasts. But the best reply to Sir Feroz Khan Noon emanated from an unexpected quarter—'one of the tribe of Mahatmas,'—Bernard Shaw, who commenting on Noon's observation said that "Gandhi's politics, are half a century out of date." He added "His tactics like all tactics are subject to error and readjustment, but his strategy is sound as it was 50 or 5 million years ago." As for Gandhi retiring, Shaw said: "Retire from what, his position is natural, not official.

The Mahatma cannot hand over anything. Leadership is not a plug of tobacco that can be passed from one man to another. Pandit Nehru, though at the moment, disabled by disgraceful and cowardly imprisonment, is a very notable leader in no way to be extinguished by Gandhi."

The other delegate Sir Ramaswami Mudaliar was preaching the gospel of interdependence as against independence and striving for a permanent seat for India on the World Security Council.

It was at this time too that Lord Listowell made his thumping speech at Peterborough Youth Conference in which he declared that " The problem in its simplest form is the transfer of the control of the Government machinery in India from the British Government sitting at the Whitehall to responsible and representative leaders of Indian opinion." The words were well timed for the San Francisco Conference. Lord Listowell's addition of the words " Any unnecessary delay in granting the essentials of self-government, would poison the relations of Britain with India for many generations to come " and his warning " Let it not be said that we gave too little and too late " had a ring of sincerity about it but British statesmanship has been such an amalgam of truth and diplomacy that few could tell the nugget from the dross.

There was one statement, however, which was free from all doubt and dubiety and which was made by the Russian Foreign Minister, Molotov, which fell from his lips, like a bolt from the blue on the 1,200 delegates representing the 46 nations at the Conference. Molotov said :

> " We have at this Conference an Indian delegation but India is not an independent state. We all know that the time will come when the voice of an Independent India will be heard too (cheers). Nevertheless, we share this view held by the British Government which suggested that the representatives of India should be granted a seat at this Conference.....
>
> " The Soviet Delegation realize " said Molotov, in a statement, detailing the Four Power amendments to the Dumbarton Oaks Plan " that from the view-point of the interests of International security, we must first see that dependant countries are enabled as soon as possible to take the path of National Independence. This should be promoted by a special organization of the United Nations which must act with a view to expediting the realization of the principles of equality and self-determination of the nations."

The *magnum opus* of the period (May, 1945) was the comprehensive memorandum presented by Mrs. Vijaya Lakshmi Pandit as the chosen mouthpiece of the America Indian League to the San Francisco Conference in which she spoke not only for India but for the 600 million people of India and South East Asia that India was the test for the Conference, that Fascism and Nazism having been formally liquidated with the fall of Berlin, only Imperialism remained to share a like inevitable end. But the efforts of this non-official ambassador proved of no avail in so far as the question of Indian Independence being brought before the Frisco Conference was concerned. It was ruled out.

Just about this time, Sir Reginald Maxwell, retired Home Member explained in London why Government dreaded new elections in India. He said " a general election will only produce a new version of the old body without any new ideas." Gandhi was not to be deflected from his straight path to Swaraj by these detours through the Parliamentary tracks. As was his wont, he gave an inkling to the public into the workings of his own

mind. In a post-prayer talk, Gandhi said that " Parliamentarianism cannot bring us Swaraj." But exaggerated meaning should not be attached to it. All perhaps that he could have meant was that by itself, Parliamentary activity could not overcome all the difficulties interposed in the way of Poorna Swaraj. He could not have condemned Parliamentary activity altogether for the decision of the Working Committee to accept office in June 1937 was duly ratified by the Haripura Session in February 1938. At Hudli before the 2nd session of the Gandhi Seva Sangh Conference, Gandhi had stated that the Parliamentary wing could not be abandoned for ever. On another occasion he stated that Parliamentarianism had come to stay. In permitting Dr. Khan Saheb to revive the Congress Ministry in the Frontier Province, he had given the latest proof of not perhaps his faith in the particular activity, but his belief in the inevitablity of Parliamentary life as constituting one of the tributaries that should pour its contents to enrich the main stream of national life in content and volume.

Gandhi also created some stir amongst the capitalists of India such as Shri J. R. D. Tata and Shri G. D. Birla who were unofficially and at their own expense going to visit England and America to study the industrial situation in the summer of 1945.

Gandhi commented on this visit with severity and suggested that the capitalists while speaking and writing against the Government, were joining hands with the Bureaucracy and doing its will in action and were satisfying themselves with the 5 per cent. profits. They earned mere crumbs falling from their table, instead of seeking to get possession of the Government's 95 per cent,—really, the full loaf. The bright spot in the situation was to his mind their unanimous demand of a National Government. Both the gentlemen replied sharply and repudiated the ideas imputed to them and denied they were entering into any deal on behalf of India, shameful or other. Gandhi thereupon *excepted* them from the scope of his observation which he said he had been impelled to make deliberately but which would not apply to them as they were going wholly unofficially and he coupled his statement with his blessings and prayer in terms of the poor and famishing and naked India.

While yet Lord Wavell was in London and continued to become the subject of sensational telegrams day in, day out, the differences amongst the British Ministers reached a culmination point in the resignation of his Premiership by Mr. Churchill on the 23rd May, 1945. It will be remembered he had come into office as Premier, succeeding Mr. Neville Chamberlain, on the 10th of May, 1940. The Labour Minister's refusal to carry on the Coalition Ministry until the war with Japan shall have ended, precipitated the crisis. The outstanding personalities in Labour circles were Mr. Morrison, Mr. Bevin and Mr. Dalton. Mr. Bevin declared that if Labour came into office, the India Office would be abolished and India would be served by the Dominions Office. As for Indian Self-Government, he was frank enough to say that India would get it by instalments. Verily the ghost of Montagu was back in 1945, verily a Bevin in office was worth two Churchills out of it!!! But that was not all. Bevin administered a gentle warning that the Indian agitators should not be nagging at the coming Labour Government. As much as to say the little finger of Labour would be thicker than the loins of the Tories.

The I.C.S. came up at this time for attention as it figured prominently in connection with every Reform Act. There was a time when the I.C.S. went abegging for recruits. Lord Birkenhead actually went about canvassing, offering prizes in the nineteen twenties. In the 'thirties Lord

Willingdon (I.C.S.) December 1936, pleaded likewise for recruits of a high class :—" We want youngmen with enterprise, imagination, a sense of responsibility and sympathy with the aspirations of the people, of the country, men who are willing to take their part in what is still the finest and the most interesting service, that there is in any part of the British Empire." In this speech, he pointed out that the doubts expressed in some quarters about the future conditions and security were entirely unfounded and he emphasized the richness of opportunity which the I.C.S. offered then as in the past.

Amongst the weird reports that reached India during Wavell's stay in London was one which stated that " If the Wavell Plan under which the Legislatures could overthrow and cause a change of the Executive on any issue except Defence, Finance and Foreign Affairs," failed " the Viceroy had the full approval of the British Cabinet for using the Indian army to suppress any revolt quickly."

On May 21st, an explanation was sought of the Labour Party Executive as to why the Labour deputation had to wait for five months before Mr. Amery would receive them. In the new Parliamentary Elections, which were timed to take place on the 5th July, the old Parliament dissolving on Friday 8th June, Mr. Bevin emerged as the most outstanding member of the Labour Party and took upon himself the onus of adumbrating Labour's plans for the emancipation of India, which showed no fundamental differences between one party and another on the future of India.

At long last, Wavell arrived in India on the 4th June, 1945 and resumed his Viceregal charge after ten weeks' absence. Altogether his lot in England was not cast on happy times. His stay in London synchronised with one of those periods of tumult in a nation's history which are attended with the departure of the old and the expectation of the new, a period of transition when the retiring party displays extra tenacity in adhering to conservative traditions and the incoming party exhibits unwonted zeal for democratic idealism. When Mr. Churchill retired swearing by his old Tory antecedents and swearing at socialism and its inevitable drift to totalitarianism and when the Labour Party foreswore all allegiance to the composite Government of the previous five years and avowed independence for India,—at such a critical juncture, Wavell—a mere Field Marshall after all, could not be expected to bring with him any magic wand or enchanted talisman, the production of which would unlock the doors of prisons or establish a National Government at the centre, destroy the Viceregal Veto and transfer power all round to the people. The mystery that had surrounded the closely guarded secret of his undisclosed hand became intensified with the report that he would not make any statement for a week after his arrival. In the meantime, Mr. Amery made a notable speech at the London Rotary Club on June 6th in which he emphasised the fact that :

> " More than three years ago, we made clear that we wish India to enjoy after the war complete independence within the British Commonwealth or even without it, if she so decided, on condition that the main elements in India's national life should first agree upon India's future constitution."

And he concluded the subject saying :

> " If, however, no complete or logical answer to the problem (if the transfer of power without recognized and generally acceptable successors to take over) is possible today, there is no reason for not seeking some way out of the deadlock which Indians and the British alike wish

to see eased, even if it cannot be completely resolved. Clearly we must try again."

At this point we may usefully digress from the subject to give an account of Allenby's achievement in Egypt which his biographer Lord Wavell might be expected to copy for India.

## Egypt and India

Indeed, seven months previous to Sir A. Wavell's appointment as Viceroy, and on the eve of the third extension of Lord Linlithgow's extension by six months, there were talks of Wavell's selection to the place and in that connection Miss Margaret Pope wrote as follows :—

"Every Indian must be aware of the parallel between his own country's struggle and the events I shall outline.

"In 1914 Egypt was declared a British Protectorate. At the conclusion of the War the Egyptians were not allowed to send a Deputation to the Peace Conference to state their claim for self-determination. The leaders of the Wafd (Independence) Party were arrested and deported. The result, not unnaturally, was a wave of resentment that swept the country. The party proceeded to organize a series of acts of violence mainly directed towards the interruption of communications by interference with Railway lines and Telegraph wires—(shades of India, August 9th) riots broke out and some British people were killed. At this point, Allenby was called to restore order. He acted swiftly and firmly. He released the Wafd leaders, opened negotiations and sent Zaglul Pasha, leader of the Wafd Party, to London to take part in the discussions. Zaglul was uncompromising and would make no concessions. Negotiations broke down and he was deported to Ceylon. Allenby, however, was determined on a settlement; he pushed ahead in his search for an agreement and it was then with his greatest Egyptian opponent safely out of the way (as Congress is today) that he had his historic struggle with the British Cabinet. Lloyd George, Curzon and Milner,—all were against him in his determination to end the Protectorate and declare Egypt independent. But of all his opponents, as Wavell writes,—the most determined was Winston Churchill—at last Allenby got his way. In 1922 Zaglul Pasha was released and Egypt was recognised as an Independent State. It was not complete independence by any means, but it was a working compromise and Allenby had it all to his credit.

"Would Wavell dare to do what Allenby did, demand the immediate release of Congress leaders, open negotiations immediately and arrange for signing of a treaty between Britain and Indian National Government simultaneously with a declaration of Indian Independence?"

The problem of Indian Independence bears such close resemblance to that of Egypt that the latter may be studied in a little greater detail. It was on the 28th February, 1928 that Egyptian Independence was declared and after a Parliamentary Debate on 14-3-1922, the Khedive was proclaimed the King of Egypt and began to be referred to as His Majesty. The declaration of Egyptian Independence in 1922 was on the showing of Wavell—extracted from a reluctant Government in London by Allenby's decisiveness. That Allenby did not view it as a breach of faith with the masses committed with the hopeless aim of appeasing a minority of self-seeking agitators and thereby preserving British interests was denied by Allenby's own reading of

the situation. He saw that the Egyptian people were beginning to be stirred by the feelings to which nationalists gave articulate expression, that they could be roused from their habitual inertia by the cry of Independence and that however deep the internal divisions in Egyptian society might run, they were simply not relevant to the relationship between Egypt and Great Britain.

Again according to the Constitution prepared between April and October 1922, the Sudan was to be an integral part of Egypt. But to the British the Sudan was only a Condominion of 1899 and they regarded it as a Reserved Subject.' Likewise in India, the States are sought to be if possible excluded from an Independent India. The Egyptian Constitution Committee closely modelled the Constitution after the Belgian model with the Lower House elected on a broad franchise and a Senate partly elected and partly nominated, while the King was to be a Constitutional Monarch. All this was done when Zaglul Pasha, the leader of the Wafdists was arrested in December 1921 for incitement of disturbances and was kept under detention first in Aden and (on the day of the declaration of Independence on 28-2-22) was transferred to the Seychelles Islands near the Equator and thence to Gibralter and was released from there in March 1923. The new constitution was promulgated in March 1923 and in July 1923 the Indemnity Act was passed and Martial Law was abolished and an Act was passed to compensate foreigners against whom offences were committed, to a tune of £6 to 7 millions. Three students were executed out of 14. Thus ended the Cairo Riots and their sequelae. 'Zaglul returned to Alexandria where he landed on September 18, 1923 and he wanted to wipe out all the progress for which others were responsible and this was attributed by the British to his vanity and stubbornness. A similar situation was created in India when Lord Wavell flew to England, while yet the Congress Working Committee was in prison, with proposals of which some were sponsored by Congressmen, which had nothing to do with the Congress as such. Zaglul, however, had to face Elections in January when the Wafdist Party swept the polls by securing 190 out of 214 seats. Zaglul wanted to visit London and see his old friend Ramsay MacDonald—the then Premier. But the latter proved to be a no better friend of Zaglul than Lord Linlithgew of Gandhi in August 1942. Zaglul who was shot on July 12, 1924 demanded (1) the removal of British troops, British officials and British influence from Egypt, (2) the abandonment by Great Britain of British claims to defend the Suez Canal or to protect the minorities in Egypt. But Zaglul, it is said, had no genius for negotiations though be could state his case with vigour and fight a campaign with courage. In October 1924 the MacDonald Ministry fell and even before that Zaglul was disappointed with his friend as Jawahar with Cripps or Gandhi with Linlithgow. Zaglul had conflicts with the British

(1) on the Sudan
(2) on the position of British judicial and financial advisers
(3) on the British interests and policy of the 1922 Declaration
(4) on compensation of foreign officials
(5) on British interests in the Sudan, and
(6) on payment of certain contributions.

Zaglul resigned his Premiership, made a treaty with the King and within three days Sirdar Lee Stack was murdered on November 22, 1924.

The Milner Mission of 1919-1920 recommended the abolition of the Protectorate and when accordingly Egypt was declared an Independent Sovereign State on February 28, 1922, Britain reserved certain questions

for further discussion and friendly accommodation on both sides of which the most important were (*a*) the security of the communications of the British Empire and (*b*) the defence of Egypt against all foreign aggression or interference. A Treaty of Alliance was concluded in 1931, the Article I of which read:— " The military occupation of Egypt by the forces of His Majesty the King and Emperor is terminated. Article IV established the Alliance. Article VIII was as follows :—" In view of the fact that the Suez Canal whilst being an integral part of Egypt is a universal means of communications, as also an essential means of communication between the different parts of the British Empire, His Majesty the King of Egypt, until such time as the High Contracting Parties agree that the Egyptian army is in a position to ensure by its own resources the liberty and entire security of navigation of the Canal, authorizes His Majesty the King and Emperor to station forces in Egyptian territory in the vicinity of the Canal, in the zone specified in the Annex to this Article, with a view to ensuring co-operation with Egyptian forces in the defences of the Canal, which was referred to in the negotiations that took place between Adhy Pasha and Curzon in July 1920. The detailed arrangement for the carrying into effect of this Article are continued in the Annex hereto. The presence of these forces shall not constitute in any manner an occupation and will in no way prejudice the sovereign rights of Egypt. It is understood that at the end of a period of 20 years specified in Article XVI the question whether the presence of British forces is no longer necessary owing to the fact that the Egyptian Army is in a position to ensure by its own resources the liberty and entire security of navigation of the Canal, may, if the High Contracting Parties do not agree thereon, be submitted to the Council of the League of Nations for decisions in accord with the provisions of the Covenant of signature of the present Treaty or to such other person or body of persons for decision in accord with such other procedure as the High Contracting Parties may agree.

The Annex to this Article limited the British forces to 10,000 men and the Air Force to 400 pilots, exclusive of ancillary personnel, defined the areas in which they would be stationed west and east of the Canal and require the provision of the requisite land, barrack accommodation and water supply and the improvement and upkeep of communications by road and rail. A closely similar treaty was concluded between British and Iraq in 1930 on terms of complete Freedom, Equality and Independence.

Let us revert to the progress of events in India. Shortly after the failure of the Jinnah-Gandhi talks, began the Liaquat-Desai negotiations, and in January 1945 the two party leaders came together to draw up an agreement and they signed it on the 11th January, 1945.

The agreement had dealt with the question of parity not on a communal but upon an institutional basis. In other words, it spoke of the parity of representation on the Executive Council, not of Hindus and Muslims, but of the Congress and the Muslim League. Secondly, it laid down that the first act of the new Government would be to release the members of the Congress Working Committee. Other matters were ancillary and collateral in character. If this proposal had materialised at the hands of the Viceroy and the Secretary of State, very likely the Simla Conference would not have taken place. A settlement would have been made behind the *pardah,* and suddenly one fine morning a new Executive Council, rather a newly formed Executive Council, would have been a *fait accompli* and we should have been beholden to the Home Member in the new Government for the release of the Working Committee. The Congress would have been virtually suppressed, as negotiations would have taken place behind its back, with other organisations,

and a full-fledged Government which it would be a misnomer to call a National Government, would have come into being without the knowledge or the consent of the Working Committee of the Congress. That would have meant the triumph of British policy, the burial of Satyagraha seven fathoms deep, and the perpetuation of British rule for—Heaven knows—how long. Fortunately, such a disaster was averted through the strong attitude taken by Gandhi all along and reinforced since the 23rd of January, *i.e.*, a week after the release of Dr. Prafulla Chandra Ghosh from prison on account of ill-health. This attitude indicated that nothing could be done so long as the Working Committee members were not released. It is a matter for rejoicing not from the petty standpoint of personal triumph for any one, but from the larger point of view of the success of a principle, that the honour of the Congress was vindicated and the firm attitude it had taken all along was justified in regard to the initiation of the national struggle and its continuance as well as its refusal to withdraw the Bombay Resolution of August 8, 1942, throughout a period of three years. To the country, therefore, the events of those days were of importance, not for the material success that they might have brought or not brought or the hopes of success that they might have kindled, but for the triumph of the moral principles which have all along animated the Congress activities for nearly a quarter of a century.

Now we proceed to a consideration in detail of the events connected with the Wavell Plan for loosening the Indian deadlock. On the 14th of June, 1945, Lord Wavell gave his broadcast to the people of India, and simultaneously a statement was made in the House of Commons by Mr. Amery, the Secretary of State for India, on the same subject. The thoughts and sentiments expressed in the two broadcasts and the plans and programmes adumbrated therein are wholly identical with each other as indeed they must be. The *modus operandi* consisted in convening a conference of representatives chosen by the Viceroy for the purpose of obtaining from the leaders of various parties a joint list or, sparing it, separate lists of worthy people in order to constitute a new Executive Council of the Viceroy—people who are publicly committed to the three tasks of which the most notable was the task of pursuing the war with the Japanese to a successful end. He pleaded for "men of influence and ability to be recommended by the various parties who would be prepared to take decision and responsibility of administration of all the portfolios including External Affairs" except the conduct of war which would be the exclusive charge of the Commander-in-Chief. He also stated that there would be an equal number of Muslims and Hindus other than Scheduled Castes and the conduct of business must be under the present constitution by which he meant the Act of 1919, "with control by the Secretary of State and the Governor-General." The question that he posed at the Conference was whether, subject to agreement on the aforesaid point, "it would be possible to obtain agreement also on the strength and composition by parties and for communities, of the Executive Council and on the method by which the panels of names would be submitted to the Viceroy to enable him to make his recommendations for appointment to the Executive Council."

The Viceroy further stated that there was no question of the Viceroy's veto being eliminated, but that it would not be used unreasonably, while the Secretary of State said that it would be used only in the interests of India and not in the interests of Britain. We all know what the *interests of India* meant during the time of Lord Irwin. It may be recalled that the last section of the Gandhi-Irwin Agreement stated that the constitutional position should be that the future Indian constitution would be constructed on the three

beams of federation, central responsibility and safeguards in *Indian interests* which were later interpreted as British interests. The Viceroy finally stated—" I should make it clear that these proposals affect British India and do not make any alteration in the relation of the Princes with the Crown Representative." On the part of the Congress it made its position sufficiently clear in regard to the States when it urged that :—" In regard to the Indian States while recognising that during the interim period the powers of the Crown Representative will continue, it is clear that the National Government will have to deal with many matters which overlap and have concern with the States *re.* trade, industry, labour, etc. Further the barriers between the States people, and the Princes and members of the National Government and other associates should be removed so as to help in mutual discussion, consultation and consideration of common problems and their solution."

Towards the end of his broadcast, the Viceroy added the following statement :—" If the meeting is successful I hope that we shall be able to agree on the formation of the new Executive Council at the Centre and that Provincial Ministries in Sec. 93 Provinces would resume office and that these would be coalitions." "If the meeting should unfortunately fail," he added, " we must carry on as at present until parties come together." By way of illustration the Viceroy presented to the conference a list of portfolios and the departments included, as follows :—

| *Portfolio* | *Departments Included* |
|---|---|
| 1. War | War. |
| 2. External Affair including | 1 Foreign Affairs.<br>2 Commonwealth Relations. |
| 3. Home | Home. |
| 4. Finance | Finance. |
| 5. Legislation | Legislation. |
| 6. Labour | Labour. |
| 7. Communications including | War Transport, Railways. |
| 8. Defence „ | Posts and Air. |
| 9. Commerce „ | Commerce and Civil Supplies. |
| 10. Industries and Supply. | |
| 11. Education | |
| 12. Health | |
| 13. Agriculture | |
| 14. Planning and Development. | 1 Agricultural Development<br>2 Food. |
| 15. Information and Broadcasting. | |

The difference between the prevailing list and the list provided by way of illustration may shortly be noted. The portfolio relating to Health, Lands and Education has been split into three separate portfolios, one relating to health, a second relating to agriculture including food which was formerly a separate portfolio and a third relating to education. The old portfolio of War Transport which covered war transport and railways is converted into one of "Communications" including war transport. The old portfolio of Commerce including (1) Commerce, (2) Industries and (3) Civil Supplies is now converted into Commerce and Civil supplies. A new portfolio of Industries and Civil Supplies has been created. The old portfolio of Planning and Development is not made to include food as it was formerly. The portfolio of Commonwealth Relations which was a separate one is in the new list combined with Foreign Affairs.

High hopes were raised on all sides from the Viceroy's broadcast coupled with the release of the members of the Working Committee, and from his

very winning attitude in his opening statement at the conference that this time history was not likely to repeat itself and the Wavell Plan would not run a course parallel to that of the Cripps' Mission. It would not be fair to refer to the discussions and the cross questionings that took place during the sittings of the conference but suffice it to say that when a joint list was found impossible, each party or group or individual was asked to furnish separately a list of nominees for the Executive Council. It was expected that the Viceroy would draw up a list of his own from out of these so as to satisfy the demands of each group or individual. Strange things, however, happened, it must be said. To make a long story short, the 14th of July to which the conference stood adjourned after three days' sittings from the 28th June onward, was expected to yield happy results, after all the lists but two had been furnished as the result of serious and anxious consideration on the part of the parties concerned. It was a pity that no composite list could be furnished because if it could have been, it would have meant a new alignment of the march of progress in the country. A composite list would have meant a common party and a common programme, possibly a common electorate in future and a common nationalism and common ideals and common participation in world affairs and common striving for the full emancipation of India from British control and connection. But this was not to be. The fates decreed that the divisions that lay at the root of India's subjection should still perpetuate themselves though in a smaller measure only in an attenuated form. The failure to submit a joint list implied that the voice of India being one and indivisible was still weak and could not be vociferous. It implied that one section of the people of the country desired to hitch their wagon to the star of Britain and that they felt a certain diffidence and inability to stand on their own legs. However that be, the fact remains that separate lists were submitted, to what end we shall presently see, by the invitees as desired except by the League and the European representative.

On the 11th of July, the leader of the Muslim League had a very short interview extending over 15 minutes with the Viceroy, and he seems to have made it clear in that interview that he would not be agreeable to the names of the non-Leaguers that were shown to him as having been included in the Viceroy's list, on the ground that the League claimed to be the sole representative of the Muslims in India and would not tolerate the inclusion in the list of any other name than those belonging to their Party. The Viceroy dissented from this view. Shortly after, Gandhi met the Viceroy and the next day the President of the Congress was invited to see him. Beyond stating that Mr. Jinnah was not agreeable to the Muslim representatives in the list prepared by himself (the relevant part of which alone was shown to him), the Viceroy did not take into confidence any one of the leaders and reveal the contents of his list. It was a strange procedure that was adopted. He was seeking agreement among the parties and reserved to himself the right of leadership by which he claimed to prepare a list of his own. The panels, as has already been stated, were to be submitted to the Viceroy to enable him to make recommendations for appointment to the Executive Council. This he failed to do. It served no purpose to say that his list might not be agreeable to the Congress, as he clearly stated and that therefore he withheld its contents from their knowledge. The proper course would have been to furnish his list to them to place it before the Working Committee of the Congress and ascertain whether they would accept it or desire any change therein. Such an obvious course was not only not adopted, but an ominous forecast of the possible attitude of the members of the Working Committee to the names contained in his list was made by him. On the

14th he wound up the Conference with a statement declaring the failure of his endeavours and postponing the Conference virtually *sine die*. In doing so he took the responsibility for the failure on himself although he had categorically mentioned one name, that of Mr. Jinnah, who had not only not sent any list but who, when he was shown a part of the list, said that "it was not acceptable to the Muslim League." In view of this statement it must be considered whether Lord Wavell was merely observing courtesy and convention in considering himself responsible for the failure of the Conference or whether it was really so.

When we review the events that have taken place during the fortnight's stay of the leading public men of India on the heights of Simla, it becomes clear that the forebodings referred to at the outset were not altogether baseless. There appears to be a close analogy between the Cripps' Mission and the Wavell Plan. Cripps came to India in the midst of beating of drums and fanfare of trumpets. He raised high hopes on his arrival and made extravagant off-the-record promises to the President of the Congress, to the effect that the position of the Viceroy in India in relation to the new Cabinet would be the same as that of His Majesty the King of England to the British Cabinet. He later denied having made such an offer or even referred to the word *Cabinet*, though in his speech in Parliament in October, 1942, he admitted that he had used the word *Cabinet* in a loose sense and not in a constitutional sense. Here, in Simla, Lord Wavell had definitely stated that there was no question of the Viceroy's veto being eliminated but that it would not be used unreasonably. To that extent the Viceroy was frank unlike Sir Stafford Cripps. The second point of difference is that when Cripps came to Delhi and requested Gandhi to have an interview with him, Gandhi was so badly impressed by the proposals Cripps had brought, that he expressed his surprise that of all people, Cripps should have made himself a messenger of Britain with such proposals in his hands. In regard to the Wavell Plan, Gandhi, on the contrary, felt satisfied that it was sincere in spirit and was conceived with a view to constituting itself as a step towards independence. He saw the seeds of independence in it and therefore his approach and attitude towards it was just the reverse of what they were towards the Cripps' Plan. When Cripps came to India, his advice was that the Working Committee need not be summoned to Delhi. But affairs took a different course altogether. On this occasion his advice had been that the Working Committee should be summoned and should consider the Wavell Plan. At this point the contrast between the two ends and a similarity appears. The Cripps' Plan failed virtually on the third day of the deliberations of the Working Committee which began on the 29th of March, 1942 and more or less concluded on the 31st. But Cripps requested that if what he had heard, viz., that the Working Committee was rejecting his proposal, was true, they should not divulge the matter to the press and his request was complied with. Here on the third day of the Conference at Simla (29th June, 1945) its failure in one sense was writ large on the deliberations because a joint list could not be furnished. Nevertheless, there was the hope that the Viceroy's list would be a sane and sensible one, making it possible for a settlement to be made, even as the intervention of Col. Johnson had raised hopes of success during the Cripps' visit after the first week, for after the first three days of the Cripps' Mission there elapsed an interval of a week before the final break down became known and it is unnecessary to refer in detail to the several events that had happened in the interregnum. Likewise, after the first three days of the Simla Conference, there was an interval of a fortnight in which several events happened before the final conclusion of the Viceroy

announcing the failure of the meeting, was made public on the 14th. It is not known even today as to what made Cripps suddenly reverse his attitude and say on the evening of the 9th March, 1942 that he had no further subjects to add to the list of subjects proposed to be transferred to the Defence Member, and that there was no question of Cabinet being responsible to the Legislature as that was a matter for the Working Committee to negotiate with the Viceroy. What made Lord Wavell draw up a list of his own from out of the lists furnished to him by the Conference members and yet not disclose their contents at all to the Congress and to other parties or in full to the League, no one can tell. But this much is certain that the so-called "authenticated versions" of the contents of the list broadly circulated in the press throughout the week that preceded the 14th of July must be considered to be unauthentic as it is clearly impossible that the Viceroy could have disclosed the contents of his list to any person.

In any case, the fact remains that for the failure of the Conference—the Congress can bear no responsibility whatever. The attitude of the Congress was absolutely clear to the Viceroy, for the Congress took no objection to little changes that the Viceroy might feel it necessary to make in the list furnished by it. All that it wanted was a consultation beforehand and the avoidance of any undue strain upon its spirit of co-operation. On the part of the League, it is clear that the League must bear some responsibility for the break-up in that it insisted on its being considered the sole representative of the Muslim community in India, a claim which the Viceroy himself could not accept and which millions of Mussalmans would not concede. The League's claim was particularly weak at the moment when Khizr Hyat Khan came forward with his own nominations apart from those of the League. The Executives of the Muslim community belonging to the Ahrar group, the Nationalist Muslims, the Momin Community, the Shias and the Jamiat-ul-Ulema had met and appointed Maulvi Hussain Ahmed Madani as their common representative to negotiate with the Congress and the Government in respect of nomination of their accredited representatives. Perhaps there is an ethical justice in the events that happened in Simla in July 1945. Three years back in April 1942, it was the Congress that broke the Cripps' Mission, if it was not Cripps himself who broke his own. In Simla it was the League that broke the Wavell Plan although Lord Wavell took the blame on himself. Exactly what happened in Delhi with Cripps happened in Simla too with Wavell. "The Viceroy assured him," said Maulana Abul Kalam Azad, according to a press interview he gave in Simla soon after the Conference had ended, "in his first interview that no party to the Conference would be allowed to obstruct settlement out of wilfulness." Every one knew what Mr. Jinnah would do and every one believed that against that possibility the Viceroy had armed himself with authority to deal with him appropriately." Yet Lord Wavell's hand was stayed at the last moment even as Cripps' was. Finally there appears to be another common point between the two situations. In Delhi, Cripps came to India at the time when the British people seriously feared a Japanese invasion of India. The threat of invasion passed away and the Cripps' Mission came to an abrupt end. In Simla, in July 1945, the Wavell Plan came to light when the Labour Invasion threatened the Conservative Party in the elections that were being held on July 5, *i.e.*, on the sixth day after the Simla sittings began. The elections passed and by a sudden reversal of the attitude till then maintained, the Wavell Plan came to an unexpected termination. To say that such failures and such sudden moves were previously designed and determined would be not only ungenerous but perhaps even unjust. Yet the man in the street cannot overlook this

obvious fact though their connection as cause and effect cannot always be inferred on the principle of *post hoc ergo propter hoc.*

When all is said and done, the final apportionment of blame must lie at the door of the British Government whose accredited representative Lord Wavell did not act firmly and fearlessly. There was a lurking apprehension in his mind that he might be hurting the susceptibilities of parties when he said : " You can all help by refraining from recriminations." Recriminations are always bad and are different from a just apportionment of blame and praise. The former follow the latter. But it lay in the Viceroy's power to repair the breach made in the walls of the Conference by the Muslim League. Instead of that the Viceroy referred to bureaucratic difficulties. " No Government," said he, " can carry on under the daily prospect of change or dissolution. I have to secure the stability and the day-to-day efficiency of my Government and it would be impossible to enter upon continuous or even frequent political discussions of this kind." Accordingly his proposal " to take a little time to consider in what way I can best help India after the failure of the Conference " and the one or two months' waiting that he asked for elsewhere, may have to be taken merely as words of solace meant to assuage the irritation of the moment that, he feared, might be possibly caused in certain quarters by the failure. It is not always easy to raise a new edifice upon the debris of an old structure, nor can it be done quickly. It remained to be seen what the Viceroy would do. That did not mean that there was a new hope and a new ray of light peeping in from the horizon. To the Congress it was enough that he had put his finger on the sore spot. There again was a Congress victory,—the second of the series, the first being that the British had to release Congress from prison and negotiate with it. The second was the discovery that the Congress was not an intransigent body. A third may yet be discovered that it has the competence to run the Government of the country in peace and war alike.

From the 14th of June to the 25th of August it was a hiatus, seemingly short, but really long, in the eyes of those who were expecting new developments in India. The British Elections were declared in the interval and Labour came into power on the 10th of July, 1945, a notable defeat being that of Mr. Amery and his place was taken by Pethick-Lawrence. The King's speech on the occasion of the opening of the new Parliament was disappointing :

> " In accordance with the promises already made to my Indian peoples, my Government will do their utmost to promote in conjunction with the leaders of Indian opinion, early realization of full self-government in India."

It indicates the priority which was being given to the Indian problem.

Shortly after, Lord Wavell was summoned to England and arrived in London on the 25th of August and before his return, fresh elections were announced in India both to the Central and the Provincial Legislatures. Wavell himself returned on the 18th of September and gave his broadcast speech immediately, the text of which is given below :—

> " It is the intention of His Majesty's Government to convene as soon as possible a Constitution Making Body, and as a preliminary step they have authorised me to undertake, immediately after the elections, discussions with representatives of the Legislative Assemblies in the Provinces, to ascertain whether the proposals contained in the 1942 Declaration are acceptable or whether some alternative or modified scheme is preferrable."

His Excellency said that discussions would also be undertaken with representatives of the Indian States with a view to ascertaining in what way they could best take their part in the Constitution-Making Body.

The Viceroy added : "His Majesty's Government have further authorised me, as soon as the results of the provincial elections are published, to take steps to bring into being an Executive Council which will have the support of the main Indian parties."

The following is the full text of the Viceroy's broadcast :—

"After my recent discussions with His Majesty's Government in London, they authorised me to make the following announcement :—

"As stated in the gracious speech from the Throne at the opening of Parliament, His Majesty's Government are determined to do their utmost to promote, in conjunction with the leaders of Indian opinion, the early realisation of full self-Government in India. During my visit to London they have discussed with me the steps to be taken.

"An announcement has already been made that elections to the Central and Provincial Legislatures, so long postponed owing to the war, are to be held during the coming cold weather. Thereafter His Majesty's Government earnestly hope that Ministerial responsiblity will be accepted by political leaders in all provinces.

"It is the intention of His Majesty's Government to convene as soon as possible a Constitution-Making Body and, as a preliminary step, they have authorised me to undertake, immediately after the elections, discussions with representatives of the Legislative Assemblies in the Provinces, to ascertain whether the proposals contained in the 1942 Declaration are acceptable or whether some alternative or modified scheme is preferable.

Discussions will also be undertaken with the representatives of the Indian States with a view to ascertaining in what way they can best take their part in the Constitution-Making Body.

"His Majesty's Government are proceeding to the consideration of the Treaty which will require to be concluded between Great Britain and India.

"During these preparatory stages the Government of India must be carried on and urgent economic and social problems must be dealt with. Furthermore, India has to play her full part in working out the New World Order. His Majesty's Government have, therefore, further authorised me, as soon as the results of the Provincial Elections are published, to take steps to bring into being an Executive Council which will have the support of the main Indian parties."

"That is the end of the announcement which His Majesty's Government have authorised me to make. It means a great deal. It means that His Majesty's Government are determined to go ahead with the task of bringing India to self-Government at the earliest possible date. They have, as you can well imagine, a great number of most important and urgent problems on their hands ; but despite all their pre-occupations, they have taken time, almost in their first days of Office, to give attention to the Indian problem, as one of the first and most important. That fact is a measure of the earnest resolve of His Majesty's Government to help India to achieve early self-Government.

"The task of making and implementing a new Constitution for India is a complex and difficult one, which will require goodwill, co-operation and

patience on the part of all concerned. We must first hold elections so that the will of the Indian electorate may be known. It is not possible to undertake any major alteration of the franchise system. This would delay matters for at least two years. But we are doing our best to revise the existing electoral rolls efficiently. After the elections, I propose to hold discussions with representatives of those elected and of the Indian States to determine the form which the Constitution-Making Body should take, its powers and procedure.

"The draft Declaration of 1942 proposed a method of setting up a Constitution-Making Body, but His Majesty's Government recognised that, in view of the great issues involved and the delicacy of the minority problems, consultation with the people's representatives is necessary before the form of the Constitution-Making Body is finally determined.

"The above procedure seems to His Majesty's Government and myself the best way open to us to give India the opportunity of deciding her destiny. We are well aware of the difficulties to be overcome, but are determined to overcome them. I can certainly assure you that the Government and all sections of the British people are anxious to help India which has given us so much help in winning this war. I for my part will do my best in the service of the people of India to help them to arrive at their goal, and I firmly believe that it can be done.

"It is now for Indians to show that they have the wisdom, faith and courage to determine in what way they can best reconcile their differences and how their country can be governed by Indians for Indians."

The Prime Minister, Mr. Clement Attlee, announced in a broadcast on September 19 that the British Government was giving immediate consideration to the contents of a Treaty with the Indian Constitution-Making Body as envisaged in the declaration of policy towards India of 1942 which "stands in all its fullness and purpose."

" It can be said here," said Mr. Attlee, " that in that Treaty we shall not seek to provide for anything incompatible with the interests of India."

The following is the full text of Prime Minister Attlee's broadcast :

" The King's speech at the opening of the new Parliament contained this passage. ' In accordance with the promises already made to my Indian peoples, my Government will do their utmost to promote in conjunction with leaders of Indian opinion early realization of full self-Government in India.'

" Immediately after assuming Office, the Government turned its attention to Indian affairs and invited the Viceroy to come home in order to review with him the whole situation, economic and political. These discussions have now concluded and the Viceroy has returned to India and has made an announcement of policy.

You will remember that in 1942 the Coalition Government made a draft declaration for discussion with Indian leaders, commonly known as the Cripps' Offer.

" It was proposed that immediately upon cessation of hostilities steps should be taken to set up in India an elected body charged with the task of framing a new Constitution for India. Sir Stafford Cripps took that offer to India, but it was unfortunately not accepted by leaders of Indian political parties ; the Government is, however, acting in accordance with its spirit and intention.

"The first step necessary is to get as soon as may be as democratic a representation of the Indian peoples as possible. War has in India, as in

this country, prevented elections being held for a long time and the Central and Provincial Legislatures must now be renewed. Therefore, as has already been announced, elections will be held in India in the coming cold weather. Electoral rolls are being revised as completely as time permits and everything possible will be done to ensure free and fair election.

"The Viceroy has to-day made known our intention to follow the election by positive steps to set up a Constituent Assembly of Indian elected representatives, charged with the task of framing a new Constitution. Government has authorised Lord Wavell to undertake preliminary discussions with representatives of new Provincial Legislatures, as soon as they are elected to ascertain whether the proposals of the Cripps' Offer are acceptable as they stand, or whether some alternative or modified scheme should be preferable. Discussions will also take place with representatives of Indian States.

"Government has further authorised the Viceroy as an interim measure to take steps after the elections to bring into being an Executive Council, having the support of the main Indian parties, in order that India may deal herself with her own social and economic problems and may take her full part in the working out a New World Order.

"The broad definition of British policy towards India, contained in the Declaration of 1942, which had the support of all parties in this country, stands in all its fullness and purpose. This declaration envisaged the negotiation of a Treaty between the British Government and the Constitution-Making Body. Government is giving immediate consideration to the contents of such a Treaty. It can be said here that in that Treaty we shall not seek to provide for anything incompatible with the interests of India. No one having any acquaintance with Indian affairs will underestimate the difficulties which will have to be surmounted in the setting up and smooth operation of a Constitution-Making Body. Still greater is the difficulty which will face the elected representatives of the Indian people in seeking to frame a constitution for a great continent containing more than 400,000,000 human beings.

"During the war Indian fighting men have in Europe, Africa and Asia played a splendid part in defeating the forces of tyranny and aggression. India has shared to the full with the rest of the United Nations the task of saving Freedom and Democracy. Victory came through unity and through the readiness of all to sink their differences in order to attain the supreme object, victory. I would ask all Indians to follow this great example and to join together in a united effort to work out a Constitution which the majority and minority communities will accept as a just and fair Constitution, in which both the States and Provinces can find their place. The British Government will do their utmost to give every assistance in their power, and India can be assured of the sympathy of the British people."

Wavell's statement was wholly disappointing and unsatisfactory to all sections of the Indian public and to Congress in particular. It was so because of the absence of the declaration of Independence to India. There would be no ministries for a period of six months in the Provinces and no reconstruction of the Executive Council at the Centre. The result was a continuance of a corrupt administration in the country under the very eye of the Centre during a critical period of the nation's history. While elections were promised to be held on the best possible electoral rolls, the fact remained

that there was widespread discontent all over the country in regard to the preparation of such rolls. The Viceroy's statement virtually was a repetition of the Cripps' Offer of 1942, in all its scope and purpose as stated by Attlee, the Premier, in his almost simultaneous broadcast. But there were certain points of difference. While in regard to the Cripps' scheme, as soon as the war should be over, Provincial Ministries should be functioning and the Central Executive would be reconstructed, in the present (September) declaration, no such provision existed and there was to be a full six months' interval between the time of the September announcement of the British policy and the time of the reconstruction of Governments in various provinces. The September statement gave the choice to the popular assemblies to decide as between the Cripps' scheme as formulated in 1942 and any modified version thereof according to the policy provided therein. In view of the complexity of the problem and interests of Minoriteis, an innovation was introduced whereby consultations must be held with the representatives of the newly elected assemblies in regard to the question as to whether the Cripps' Plan was agreeable to the country, or not or whether an alternative scheme should be devised. The consultation was to extend even further for it was meant to cover the subject of the form of the Constituent Assembly and its powers and procedure. Whether this additional hurdle that was introduced, was meant to be operated as an obstacle or whether it would be a help to reconstruct the character of the Constituent Assembly, was yet to be seen. In the Cripps' Scheme, there was no such hurdle obstructing the march of the people in the formation of the Constituent Assembly. But here there was an additional stage interposed.

In regard to the representation of the States on the Constituent Assembly, there was an innovation. The announcement stated that discussions would also be undertaken with " representatives of the Indian States " with a view to ascertaining in what way they could best take their part in the Constitution-Making Body. Whether these representatives were only of the Princes or of the people of the States as a whole and if so how the representatives of the States Peoples were to be elected,—whether through the Legislatures or whether through the All India States People's Conference, was not clear.

Again it was stated that as soon as the results of the Provincial Elections were published, steps would be taken to bring into being an Executive Council at the Centre which would have the support of the main Indian parties.

The scheme adumbrated in the declaration did not comprise the right to any province to secede but from Attlee's statement it was clear that Cripps' Offer if accepted was to be a whole and indivisible one. There was not left much doubt in the public mind after the September statement of Wavell that the Simla Affair was an improvisation to get through the British elections and when the elections were over, the Simla Conference was allowed to be torpedoed. Nor was there any doubt in regard to the view that the September Offer was merely a rouse to gain six months' time as the Provincial Elections would not conclude till the end of March 1946, and the Englishman with his characteristic stolidity would be quite satisfied with the six months' adjournment of the solution of the intricate problem. Sufficient unto the day is the gain or good thereof.

These statements were duly considered by the All-India Congress Committee in September 1945 at its Bombay Session—the venue was again taken to Bombay for obvious reasons of appropriateness and the proposals were

considered inadequate and vague.

Thereupon Lord Pethick-Lawrence made an effort to clarify them in the following words :

EDINBURGH, September 23. (Reuter): The Secretary of State for India, Lord Pethick-Lawrence, commenting at Musselburgh on Indian criticisms of the Government's new declaration of policy said : "I am neither disturbed nor disheartened by this response. The declaration is not of itself a solution of the complex political problems of India. By the nature of things it could not be such a solution.

"The declaration is the opening of a road along which Indians can travel to complete Self-Government. It will be my privilege, on behalf of His Majesty's Government, to give them such encouragement and such help as they invite and speed them on their way.

"Self-Government within the British Commonwealth carries with it freedom of choice. No member of it is bound to other members by bonds other than those of mutual assent. This will be equally true of India, but we hope and believe that when free choice is placed before them, Indians will decide in their own interests to remain within the British Commonwealth."

Earlier in his speech, Lord Pethick-Lawrence said that soon after taking office, he stated at a press conference, that the ideal which he set before himself was achievement of equal partnership between India and Britain. This ideal was undoubtedly shared by the vast majority of the British people.

"The Viceroy Lord Wavell, came here at our invitation to confer with us and when he returned, he took back with him the terms of the declaration which he made last Wednesday in India. The main features of this declaration were first proposals for enabling Indians to frame the basis of their own Self-Government and secondly, step to be taken by the Viceroy to bring into being an Executive Council which would have the support of the main Indian parties."

The A.I.C.C. besides dealing with the ensuing Elections, took steps to defend the large number of accused officers and men and women of the Indian National Army formed in Malaya in 1942 and others from other areas who were awaiting trial in Indian prisons and pressed for their release to avoid the widening of the gulf between India and England. The Committee further declared that the various commitments entered into by the present unrepresentative and irresponsible Government would in no way be binding upon the Indian people. The A.I.C.C. finally demanded an early settlement of the vexed question of India's Sterling Balances which had accumulated in England during the war so that it might be utilized for the planned economic development of the country. The questions of China and South-East Asia, Indian interests in Burma and Malaya received appropriate treatment at the hands of the Committee which concluded its deliberations with a word on the Constructive Programme and the rights of the States' People.

The second return of Lord Wavell was followed by the din and bustle of a General Election. The All-India Congress Committee, despite its dissatisfaction over Wavell achievements in London, decided to contest the Elections with all the Nation's might and main. It was clear that the Elections could neither be free nor fair. Absurd disqualifications imposed on leading men like the ex-Congress Premier of Orissa were not removed. The clause of 120 days residence was ridden to death in respect of persons who were detained in jails by order of

Government. Interpretations of the definition of Residence varied from District to District. The A.I.C.C. was aware of all these and many more disabilities. Yet the A.I.C.C. had but one object in view in contesting the Elections—namely to demonstrate the will of the people and clinch the issue of the immediate transfer of power. Accordingly an Assembly Elections Sub-Committee was constituted to organize the Elections. The Committee consisted of :

1. Maulana Abul Kalam Azad
2. Sardar Vallabhbhai Patel
3. Dr. Rajendra Prasad
4. Pandit Gobinda Ballabh Pant
5. Mr. Asaf Ali
6. Dr. Pattabhi Sitaramayya and
7. Shree Shankararao Deo.

Soon an Election Manifesto* was drawn up for the Centre and the Provinces.

Lord Pethick-Lawrence, Secretary of State for India, made the following Statement on India in the House of Lords on December4, 1945. "The statement made by the Viceroy after his return to India contemplates steps which His Majesty's Government propose should be taken to promote early realisation of full Self-Government in India.

" The full significance of these proposals does not seem to have been properly appreciated in India.

"Since it is the firm conviction of His Majesty's Government that it is by, and in consultation with, directly elected representatives of the Indian people that decisions as to the future Government of British India should be taken, it was a necessary preliminary that elections should be held to the Provincial Legislatures and the Central Assembly in India.

"It was announced that after the elections in India, preparatory discussions would be held with the elected representatives of British India and with the Indian States in order to secure the widest measure of agreement as to the method of framing the constitution."

Lord Pethick Lawrence added : " Unjustified suggestions have gained wide currency in India that these discussions would be a fruitful source of delay. I desire to make it plain that His Majesty's Government regard the setting up of a constitution-making body by which Indians will decide their own future, and also other proposals embodied in the announcement as a matter of the greatest urgency.

"This misunderstanding has led His Majesty's Government to consider whether opportunities of personal contact between this country and India which have been greatly interrupted during recent years cannot now be increased.

"They regard it as a matter of importance that members of our own Parliament should have an opportunity to meet leading political Indian personalities to learn their own views at first hand.

They would also be able to convey in person the general wish and desire of the people of this country that India should speedily attain her full and rightful position as an Indepenednt Partner State in the British Commonwealth and the desire of Parliament to do everything within our power to promote speedy attainment of that objective.

*For manifesto see Appendix I.

"His Majesty's Government are therefore arranging for a Parliamentary Delegation to go to India under the auspices of the Empire Parliamentary Association.

"The intention is that this party should leave this country as soon as possible. In view of the difficulties of transport, it will be limited in size. The Delegation will be selected by the Association in consultation with Parliamentary representatives of the chief political parties in this country.

"During the transition towards complete Self-Government, India will be passing through difficult times. No greater disservice could be done to future Indian Government and to the cause of Democracy than to permit the foundations of the State to be weakened and the loyalty of its servants to those who are in authority to be undermined before that new Government comes into being.

"Therefore the Government of India cannot divest itself of the responsibility which rests upon it and upon all Provincial Governments in preserving Law and Order and of resisting any attempt to resolve constitutional issue by force.

"The realisation of full Self-Government can only come by orderly and peaceful transfer of control of the machinery of state to purely Indian authority.

"His Majesty's Government could not permit any attempt to be made to break the loyalty of the administrative services, or of the Indian Armed Forces, and they will give full support to the Government of India in securing that their servants are protected in the performance of their duty and that the future constitution of India shall not be called into being by force or threat of force.

"In addition, the great need of India, whatever Governments are in power, is to raise the standard of life, of education and of health of the masses of people.

"Boldly conceived plans to meet this are already in being and His Majesty's Government are giving every encouragement to proceed with them so that improving of social conditions may go forward simultaneously with the institution of Self-Government."

Close upon Lord Pethick-Lawrence's statement, the Viceroy had occasion to make a political pronouncement in reply to the Address which is an annual function of the Associated Chambers of Commerce, Calcutta on the 10th December, 1945.

The Viceroy said :—

"I can assure you unreservedly that the British Government and the British people honestly and sincerely wish the Indian people to have their political freedom and a Government, or Governments, of their own choice. But there are certain elements of the problem which we must recognise. It is not a simple problem; it cannot and will not be solved by repeating a password or a formula.

'Quit India' will not act as the magic 'Sesame' which opened Ali Baba's cave. It cannot and will not be solved by violence. Disorder and violence are in fact the one thing that may check the pace of India's progress. There are various parties to the settlement who must somehow or other reach a measure of agreement amongst themselves—Congress, the largest political party in India; the minorities, of whom the Muslims are the most numerous and most important; the Rulers of Indian States; and the British Government.

"The objective of all is the same—the freedom and welfare of India. I do not believe an agreed solution between the parties is impossible ; I do not believe it would even be very difficult, given goodwill, commonsense and patience on all sides. And yet we stand on the edge of a tragedy. For it will be a grim tragedy for India and for the world, if an atmosphere of racial and communal hatred is allowed to prejudice the discussions which are to take place next year; and if violence results from that atmosphere.

"I can assure you that His Majesty's Government, and I as their agent, will do our best to secure agreement, to help India to form a Constitution, and to secure the support of the principal parties in the Central Government so as to enable them to bear a full share of responsibility for administering the country during the interval before the change of constitution can be made. His Majesty's Government has recently said so clearly, has emphasized the urgency it attaches to a solution; and means what it says. But I must have help and co-operation in securing a satisfactory solution and no solution will be satisfactory which will result in chaos and bloodshed, interference with trade and industry, and perhaps famine and general misery.

"I am an old soldier. I perhaps know better than any of you the horrors and wastefulness of bloodshed and strife, particularly civil strife. We have to avoid this; we can avoid it. We have to agree between ourselves; we can agree, if we are really determined to do so. Hindus and Muslims have got to live together in this great land; they surely can arrange the terms on which they will do so.

"The Indian States, which include so large a part of India and its peoples have to be accommodated within the Indian Union, if that is to prosper; they represent a very important element in the life of India, and often a very progressive one. Finally, there is the British Government and the British people.

"I repeat that it is our earnest wish and endeavour to give India freedom; but we cannot and will not abandon our responsibilities without bringing about some reasonable settlement.

"I do appeal most solemnly and earnestly at this critical moment of Indian history for goodwill on the part of all leaders. We are going through a very difficult and testing time, and it will need coolness and wisdom if we are to avoid calamity. In so far as I can help by personal contact, I am always prepared to do so.

"The welfare of the people, the greatness and prosperity of a nation depend on the efficiency and devotion of its Services—the Civil Service, the Police, the Armed Forces—who must be servants of the Government, not of a political party. There could be no greater disservice to the future of India than to endeavour to undermine the confidence of the Services or to draw them into the political arena. I can assure the Services, as His Majesty's Government has just done, that they will receive all support in the proper fulfilment of their duty."

There was an ominous look about the statement. One wondered whether the whole emphasis was not really upon the one sentence embodying a threat round which the whole web of the pronouncement had been woven.

In reiterating the firm conviction of His Majesty's Government it was said once again that "it is by and in consultation with directly elected representatives of the Indian people that decision as to the future governance of British India should be taken." One wonders whether the emphasis on British India means the exclusion of the Indian States. Secondly, are not the words *in consultation with* superfluous if Constituent Assembly is understood in the accepted sense of the term as the one body that must

frame the future constitution which should be accepted by the British Parliament, as it was done in respect of Australia, Canada and South Africa without any changes. If the announcement had merely said that it is by *the directly elected representatives* that decision as to the future Government of India should be taken, the sentence and the idea would have been complete and unambiguous. But when the words *in consultation with* are introduced it implies that there is another body which will also come into the picture as the consultant body. Therefore the principle is not self-determination but joint determination, on which the *constitution-making* is to be based.

The third point to be noted is that there is mention once again in the statement of preparatory discussions being held "with elected representatives of British India and with the Indian States." In the Viceroy's September statement the reference was to the "representatives of British India and of the States." It was clear in the Viceroy's statement that the representatives of the States need not be the Princes and it was fondly hoped that it would cover representatives of the States' people. But reversion to the use of the expression "with elected representatives of British India and with the Indian States" carries us back to the Cripps' Proposals where the expression 'Indian States' alone was used. It must, however, be stated that in another context the Viceroy stated 'The Indian States—and its peoples have to be accommodated within the Indian Union". But it is only accommodation.

Another innovation in the statement is that the object of the preparatory discussion is stated to be 'to secure the widest measure of agreement' as to the method of framing the constitution. In the Viceroy's statement of September 1945 it was merely said that preliminary consultations would be held to ascertain whether the Cripps' Proposals for convening a Constituent Assembly would be acceptable or whether there should be any changes in forming the Constituent Assembly as well as in determinining the powers and procedure thereof. The question of the widest measure of agreement was never brought in there and is altogether a new idea though the expression is as old as Irwin's time when the Viceroy repeatedly stated that "the object of the London Conference is to explore the largest measure of Unity amongst the various communities and groups in India in order to place them before the Parliament of Britain."

But the crowning shame of it all lay in the scheme of Parliamentary Delegation under the auspices of a private imperialist body called the Empire Parliamentary Association, whose composition is of a most reactionary character. The Delegation was neither official nor unofficial; it was neither authoritative nor casual. It was to be a goodwill mission. What it can do by meeting leading Indian political personalities and learning their views at first hand was difficult to understand. The days of consulting leading personalities were long since over. But to add that one of the duties of the Delegation would be to "convey the wish and desire of the British people that India should speedily attain full and rightful position as an independent partner state in the British Commonwealth" was silly. Let alone the character of the assurance,—the agency that gave it ought to have been a Governmental authority, and not a private association. The reference to 'independent partner state' in the Commonwealth was tantamount to going back on the Cripps' Offer in which it was clearly stated that the Constituent Assembly would be free to determine whether India's future should be linked with Great Britain. The expression 'independent partner state' was itself a self-contradiction.

'The selection of the delegation by the Association in consultation with Parliamentary representatives of the chief political parties in this country'

takes us back to the days of the East India Company with its dual government. On the top of all this came the threat that His Majesty's Governmont cannot permit any attempt to be made to break the loyalty of the administrative services or of the Indian Army and that they will give full support to the Government of India in securing their protection in the performance of their duty. One wondered whether this was not a bill of indemnity in advance to the officials which authorised them to act as they pleased. During the course of the debate there was but one ray of light.

Major Wyatt's caveat about Dominion Status came none too soon; for he wanted it to be made clear that the ultimate wish of the Indian people should prevail finally and that there would not be any further mention of Dominion Status in connection with India."

Things began to move fast and it is necessary to disturb the chronological sequences of events and anticipate, for maintaining the continuity of developments, the story of the visit of the Parliamentary Delegation to India (ostensibly called a goodwill mission, but really a fact-finding rather a fault-finding mission), which was quickly followed by an announcement in Parliament by the Secretary of State and the Premier of the proposed Indian policy which runs as follows :—

Lord Pethick Lawrence said : "The House will recall that on 19th September, 1945, on his return to India after discussions with the British Government the Viceroy made a statement of policy in the course of which he outlined the positive steps to be taken immediately after the Central and Provincial elections to promote, in conjunction with leaders of Indian opinion, early realisation of full self-Government in India.

"Those steps include : first, preparatory discussions with elected representatives of British India and with Indian States in order to secure the widest measure of agreement as to the method of framing a constitution.

"Second, the setting up of a Constitution-Making Body and third, the bringing into being of an Execuitve Council having the support of the main Indian parties.

"Elections at the Centre were held at the end of last year and in some of the Provinces they are also over and responsible Governments are in the process of formation.

"In other Provinces, polling dates are spread over the next few weeks. With the approach of the end of the electoral campaign, the British Government have been considering the most fruitful method of giving effect to the programme to which I have referred.

"In view of the paramount importance not only to India and to the British Commonwealth but to the peace of the world of a successful outcome of discussions with leaders of Indian opinion, the British Government have decided, with the approval of His Majesty the King, to send out to India a special mission of Cabinet Ministers, consisting of the Secretary of State for India (Lord Pethick-Lawrence), the President of the Board of Trade (Sir Stafford Cripps) and the First Lord of Admiralty (Mr. A. V. Alexander), to act in association with the Viceroy in this matter.

"This decision has the full concurrence of Lord Wavell.

"I feel sure that the House will give its support and goodwill to the Ministers and the Viceroy in carrying out a task in which the future of 400,000,000 people and crucial issues both for India and the world will be at stake.

"During the absence of these Ministers, the Prime Minister will himself assume responsibility for Admiralty business and the Lord President (Mr. Herbert Morrison) will be in charge of the Board of Trade.

"So far as India and Burma Offices are concerned, the Parliamentary Under Secretary of State (Major Arthur Henderson) will be in charge during my own absence but he will be able to rely upon the personal advice of the Prime Minister whenever it is required and he will refer important issues to him, particularly those affecting Burma where the Government will not, like the Viceroy, be in personal touch with myself."

The Prime Minister, Mr. Clement Attlee, in making a similar statement to the Commons added that the mission would go to India towards the end of March.

## INA Trials

The I. N. A. trials which began with those of Col. Shah Nawaz, Captain Sehgal and Lt. Dhillon, created a great sensation throughout India. In fact they led to the discovery of the full facts relating to the formation of the Indian National Army and there was not a soul in India that was not stirred by and elated with the soul-stirring, heart-rending and blood-curdling tales which the experiences and exploits of the Army revealed. Day in, day-out, the stories unfolded in the Chambers of the Judge-Advocate's Court were eagerly read by the literate population of India and listened to with avidity by the illiterate. The radios, public and private, were much in request for the day's developments about these trials. The services rendered by Bhulabhai Desai and his colleagues, were of inestimable value. The Law Court and the freedom of expression permitted within its premises led to the elaboration of liberal and democratic theories about the rights of a subject nation to wage war for its freedom. There was widespread agitation that the trials should be suspended and the prisoners at the bar liberated. At last, if we may anticipate events, the trial concluded, the three were sentenced to transportation for life and the Commander-in-Chief remitted the punishment. There was great jubilation in the country over their release and in their tour throughout the land they were hailed everywhere with cries of *Jai Hind.*

It may be added that the nationwide demonstrations in favour of the release of the I. N. A. men undergoing trouble in the winter of 1945, led to shooting in Calcutta in which 40 people died and over three hundred were injured and likewise in Bombay there was firing in which the casualities were 23 killed and some two hundred wounded. When Captain Rashid was sentenced in the second batch (February 1946) to transportation for life and the same was commuted by the Commander-in-Chief to 7 years R.I., there were again nationwide demonstrations including Muslims on a large scale, in which in Calcutta once again 43 people were killed and some four hundred were wounded (February 1946)

Contemporary history carries with it its own charms as well as its own complications. And in it—Subhas's, What a history—what charms, what complications—A stormy life from boyhood onwards, a strange combination of mysticism and reality, of intense religious fervour and stern practical sense, of deep emotional susceptibility and cold, calculating pragmatism ! During a whole year's Presidentship of the Indian National Congress, from Haripura to Tripuri he spoke not a word. He found himself out of tune with his environment—with his acknowledged leader who called him to office, with his fellow-members of the Working Committee whom he called to office. With Gandhi Means are Ends. With Subhas Ends are Means. They were two polar opposites. Gandhi is moved by instinct. Subhas was guided by reason. He felt that there was a deplorable lack of clarity in the plan which the Mahatma had formulated and that he himself did not have a clear idea of the successive

stages of the campaign which would bring India to her cherished goal of Freedom. That was not merely Subhas's complaint. It is a general complaint against Gandhi. Indeed whenever Gandhi was asked in 1922 about Mass Civil Disobedience, he said he himself did not know. His is rather the trend of the motor driver driving his car in a fog where he is able to see only 10 yards ahead and then another ten, and then another ten until he reaches his goal. He carries with him no road map to mark curves and culverts, bends and bridges, railroads and level-crossings. Yet he drives right enough because his direction is right and he knows his direction intuitively.

When Subhas gave up his career as a member of the Indian Civil Service and attached himself to the standard of Deshbandhu Das, he knew his leader, he chose his flag, and he began his campaign, though he little knew that the young cadet of the college or the G. O. C. of the Calcutta Congress in 1928 would blossom into the C. in C. of the I. N. A. It was a life of service and suffering that he chalked out for himself, but it was in accordance with the views and convictions of Deshabandhu who again differed with Gandhi on the main points of Gandhi's programme. When therefore Gandhi chose young Subhas for Haripura it was not as if he did not know his nominee. He had known him well enough in 1929 at Lahore when Subhas staged a walk-out and formed a new party—the Congress Democratic Party. Equally pronounced was Subhas in his verdict from Vienna jointly with Vitthalbhai on Gandhi's withdrawal of the Civil Disobedience movement in 1934, when he opined that the latest action of Gandhi in suspending Civil Disobedience is a confession of failure. "We are clearly of the opinion that Gandhi as a political leader has failed. The time has therefore come for radical reorganisation of the Congress on new principles, as it is unfair to expect Gandhi to work the programme not consistent with his life-long principles. If the Congress as a whole can undergo this transformation it will be the best course. Failing that a new party will have to be found within the Congress composed of radical elements." It was this new party so clearly foreshadowed that was formed at Ramgarh—some seven years later. The wonder was that in the interval Subhas himself in spite of these assertions on his part was accepted as the President of the Haripura session and he got through his year's term without a hitch, without a demur, with a word. All the trouble lay in store for him for the next year.

Why did Gandhi resent a second term to Subhas ? That even after his election Gandhi was not reconciled to it was a fact about which no unnecessary secrecy was maintained. Subhas must have valued his second term only to reorganise the Congress on lines adumbrated by him from Vienna. That alone, if nothing else, would be ground enough for Gandhi to resist such an endeavour. Whether Gandhiji had any further grounds to justify his attitude, he alone must be able one day to say. Till then public judgment must remain suspended.

All these events were but the preparation for Subhas's great ministry which covered a period of four and half years—from 26th January 1941 to 15th August 1945. This was an era of miracles. It is easy to shower high encomiums on Subhas after he had proved his heroism and after the hero had become a martyr. Few people that had only a cursory or distant acquaintance with him could have had an inkling of the real mettle displayed by this marvel of a character. It is none of our business to probe into the origin, the deeper depths or the progress and vicissitudes of the Indian National Army. Suffice it for the contemporary world to know that here was a man, every inch a 'man' that did not shine by reflected light, that had his own inner radiance that could dare and act, for he knew the truth of the great dictum

that success often comes to those who dare and act. It seldom goes to the timid. This dictum of Jawaharlal's that occurred in his Lahore Presidential address was left to be acted upon by Subhas who fashioned his own conduct and career on the high unassailable principles embodied in it. Subhas did dare and did act with what measure of success, posterity alone must judge.

## Conclusion.

Sixty years have rolled by since the Congress was founded as a national institution. It has achieved its purpose in bringing India under one banner although towards the last quinquennium, it has witnessed thead umbration of an undefined two-nation theory. It has wrung out from the foreign rulers admission of India's claims to her Complete Independence. It has achieved this high purpose without advocating violence against the enemy. It is true that its latest cult of Non-Violence was not the principle that inspired the earlier patriots. In their zeal for the emancipation of their motherland, they left her shores to work out her salvation abroad on their own lines. Amongst the notable characters that devoted their life to this noble and patriotic task were names of people who worked according to their lights, and according to the lights of the times for the emancipation of India.

1. Shree Virendra Chattopadhyya
2. Shree Vir Savarkar
3. Shree S. R. Rane
4. Miss Cama
5. Shree Shyamji Krishna Varma
6. Shree Tarakanatha Das
7. Shree Sudhindra Bose
8. Shree Rash Behari Bose
9. Shree Acharya

and the last of them who perhaps takes the highest place among them was Shree Subhash Chandra Bose, twice elected as President of the Congress. He chose his own path and was known to have been with Germany and Japan leading an army of Hindustanis against India and ultimately he was reported dead in an aeroplane accident on his way to Tokyo on the 18th of August, 1945.

The path chosen by the Congress during the past quarter of a century is, however, one of non-violence under the leadership of Gandhi with a view to solving the Indian problem on these lines. Gandhi saw the Viceroy, Lord Linlithgow, six times after the outbreak of the war upto the point of his arrest on August 9, 1942 in Bombay. The Working Committee spent nearly three years in detention and a streak of light at last began to brighten the path of the nation's march.

## Gandhi

The evolution of Gandhi from the time that he first saw the Viceroy Lord Linlithgow in 1939, up to the time when he had prolonged talks with Mr. Jinnah in 1944 reveals a series of transformations which deserve a dispassionate study. At first he expressed himself as ready to offer unconditional co-operation to the British in the War. What did it mean? Whatever it meant, to the Working Committee,—and they were told over a year later that it was moral co-operation that he had offered, there was no doubt that he had not in mind material aid and participation in war-effort. But it meant that

though Gandhi did not approve of war, yet, since war had already broken out between two parties, his sympathy and prayers for success were on the side of the British. It was up to him to have said strictly in consonance with his condemnation of violence whether between man and man or between nation and nation, that he was miles away from the field not merely of battles but the field of thought of battles and wars, and that he would oppose it tooth and nail without claiming to judge between the parties or between the moral and material sides of sympathy in the war effort. But he had a sense of realities and was not a pure visionary. In the company of the Working Committee he had to realize the practical bearings of the problem of the war more and more from year to year, although his progress in the second year of the war was more and more towards a non-violent state. In June 1940,—when France fell, his faith in such a State became firm and unshakable and he passed through months of heart searching between June and October 1940 when he was with difficulty dissuaded from a fast he was greatly inclined to go into. A campaign of Individual Civil Disobedience was then declared which began towards the end of October 1940. During these months a world of events took place whose course would have perhaps altered the destiny of India, if Gandhi had cast in his lot with the Working Committee in their exploration of a way of settlement. The fall of France in June (1940) was followed in India by the Poona Offer of co-operation in war effort which had not the approval of Gandhi but which, on the contrary, he had decided to fight and declared he would fight. That was the commencement of the open differences of opinion between him and C. R. in Delhi during the first week of July 1940. The A. I. C. C. meeting at Poona followed. Gandhi was not present in Poona and his absence from Poona decided the fate of the Poona Offer. The declaration by the Viceroy of his offer on the 8th of August which was repeated in Parliament by Mr. Amery on the 14th August was the first comprehensive document prepared by the British authorities to discredit Indian Nationalism, to exaggerate and multiply the division in India, to incite all the 'important elements' indirectly to resist the demand for National Government and thus to torpedo the Poona Offer of the Congress. The reason was obvious to any one who could discern. Gandhi was not in it. Indeed, he was out of it. Jawarharlal did not vote for it. And the British set no store by an offer passed by the Working Committee under such limitations.

The Individual Civil Disobedience campaign was over. People returned to their homes. Something had to be done. The Working Committee could not sit idle. Gandhi was approached once again. The Committee met at Bardoli in December 1941 but there were divided counsels. In the meantime, the Japanese threat of invasion synchronised with the growing tension in India. And Cripps' Offer followed which we learnt on the authority of Lord Munster, the Under Secretary of State for India (in April 1944) was drafted even before the fall of Singapore and Burma (March 1942) and was not the result of the adversity through which the British fortunes in war had been passing. However that be, the offer brought by Sir Stafford Cripps did not appeal to Gandhi—not only because it related to the future with no proposals for the present beyond an All Indian Executive Committee of the Governor-General but also because it contained proposals for the vivisection of India both in regard to her Provinces and the States. It was Gandhi's intention to leave Delhi the very day he saw the proposals but he was persuaded to stay only to leave the city on the 5th April after a week's stay. There are many theories relating to the failure of Cripps' Mission, some saying that Gandhi engineered their rejection by the Working Committee from Wardha—which was utterly untrue. Others stated that Cripps was stabbed

in the back from London presumably by Mr. Churchill who was blamed for the wholesale and sudden change of front. Churchill must be there undoubtedly but was it the case that he changed his view because he thought that the time of 'adversity' which had prompted the offer passed off and there was no more threat of Japanese invasion of India, or was it because once again as after the Poona Offer, Gandhi was not in the picture and the painting was not worth the colours and the brushes wasted upon it ? There is a view that if despite the first impressions made upon Gandhi by Cripps' Proposals, he had continued to stay in Delhi and made himself a party to the negotiations (which would certainly have received his impress in that case) the fate of the Cripps' Mission would have been different. What, however, Gandhi would not do then in Delhi in April 1942 he felt called upon to agree to in August 1942 in Bombay. But the British took an alarmist and vindictive view of the situation and precipitated the arrest of Gandhi and his colleagues and embarked upon their campaign of 'leonine violence.'

### Gandhi—A synthetic mind

It would be easy to discover contradictions in Gandhi's day-to-day statements. Any constructive effort would reveal such loop-holes, drawbacks and contradictions. No architect can produce a building overnight, no doctor can cure a patient, no lawyer can win a case, no person can reclaim a sinner, no professor can enlighten a student over-night. Synthetic minds produce results by fractions which must be combined and correlated into a corporate and co-ordinate whole. It is thus that Gandhi's *parts* look detached, unconnected and even contradictory. They must be pieced together, the angularities must be rounded off, the surfaces planed correct and then the cementing material would create a perfect structure and a perfect style. On his part, Gandhi spoke frankly and did not mince matters on even one occasion.

At the very outset, Gandhi declared that the Bombay Resolution was innocuous and he was not going to withdraw it. Then he stood by 'Quit India' as he understood it and explained its meaning once again. On the question of Civil Disobedience while opining that his authority ceased as Generalissimo, he asked people to carry on normal Congress work including monthly hoisting of flag and if that was prevented, they could only brave the prohibition. That meant Individual Civil Disobedience for which people had always the right. When asked what his contribution to the war effort would be if his political demands were countenanced and conceded, he frankly replied that he would not obstruct it in any way. When further questioned what India's contributions would be in the war effort by the *Daily Worker* (London) representative, he emphasised the moral strength which would accrue to the cause of the Allies as against the Axis powers by India being more free and thus by the allied ideals of Democracy being implemented and proved in the case of a great Asiatic Country long held under subjection. When the Parliamentary debate in July 1944 proved the stage management behind it and the stress England laid on economic progress as against political, he came out with a repetition of his declaration that his 'Quit India' slogan was not a hasty slogan but a well-balanced demand by the people of India. Indeed he had shown this frankness and out-spoken spirit even in the correspondence with the Viceroy when it was the certainty of his death that induced Government to publish the charges against him for at the time life was lingering in his body in its last stages. When he was not allowed to correspond with people whom he chose to write to, he gave up all external

correspondence and carried on an intensive correspondence with Government themselves much to their cost.

At the same time Gandhi made enormous compromises in his basal principles in order to meet the demands of another changing situation. Reference has already been made to how on the fall of France (14-6-1940) he plumped for a non-violent State without armies and armaments for India. That was a keenly, yea, hotly debated point between himself and the Working Committee. Then there was his letter 'to every Briton' in which somewhat differently to what he had said of the Poles, he asked the Englishmen to lay down arms before the Germans if the latter should invade England. When he had commended the armed resistance of the Poles to German aggression as tantamount to Non-Violence, he was commenting upon an event that had already taken place. When he advised the Englishman as he did to lay down arms, he was contemplating a hypothetical contingency. Then came a turn in his views. In Bombay on August 8, 1942, in endorsing the Resolution before the A. I. C. C., he endorsed the rendering of armed and other help in war effort, though of course it was well known that when the day came for the Congress to work out the scheme, he himself would stand aside and be content not to obstruct such participation by the Congress. He repeated the same sentiments to the representative of the *Daily Worker* two years later, *i.e.*, in July 1944, when in answer to a question, he further added that if the Allied powers should justify their claim to treat the war as a just war and a war in defence of Democracy as opposed to the Axis powers, they should liberate India. In other words, he was prepared to accept the view under such conditions that the war that was being waged by the Allied Nations might be treated as an instrument for establishing the principle of Democracy and spreading it in the world.

To one who has watched Gandhi's views from the fall of Paris to the fight at Warsaw and Cracow, it would be clear what a mighty distance he must have traversed to toe the line with modern ideas and changed conditions. Then there was another arresting feature about Gandhi's utterances. It was only by a suitable adjustment, not merely of details but even of fundamentals to the rapidly changing conditions of the day that Gandhi could have set in motion mighty forces at Moscow and Washington. President Roosevelt whose nomination as the democratic candidate had just taken place (July 21st) for the fourth time, was about to go to London and it was learnt that Russia, as was stated in the columns of *Pravada*, announced that President Roosevelt would press Mr. Churchill to apply the Atlantic Charter at once to India. It could not be conceived for one moment that Russia and America could quietly sit looking on when after all this bloodshed and carnage Britain was still to pass over India. It is widely believed that the Simla Conference was due to the Russian pressure even as the Cripps' Mission was due to American.

Whatever be the immediate fruit of Gandhi's labours and the co-operation of the Congress with him such as it could be and was, whatever the compromises that Gandhi agreed to from time to time in his attitude towards the war, the fact remained that on fundamentals his position remained firm, as the rock of ages, unassailable as the eternal verities of life, impregnable as the principles of *Satya* and *Ahimsa*. He too visualized a New Order not indeed the order patched up by Britain and America, which is only a misnomer of Imperialism but a genuine New Order whose bona fide character would be evident when it is known to have been based on unselfishness and universal love. He visualized his New Order in one or two interviews and statements to which a reference may profitably be made here.

"You must visualize a Central Government without the British Army" Gandhi said. "If it holds together without that Army, this will be the new order. That is a goal worth working for. It is not an unearthly goal. It is practicable." "You see", Gandhi began, "the centre of power is now in New Delhi or Calcutta or Bombay in the big cities. I would have it distributed amongst the 700,000 villages of India. That will mean there is no power. In other words, I want the seven lacs dollars now invested in the Imperial Bank of England, withdrawn and distributed amongst the 7 lacs villages. Then each village will have its one dollar. The 7 lacs in Delhi could be swept away by a bomb from Jap plane but in the villages, nobody could deprive them of their assets. There will then be voluntary co-operation between 700,000 units,—voluntary co-operation, not co-operation induced by Nazi methods. Voluntary co-operation will produce real freedom and a new order vastly superior to the new order of Soviet Russia. Some say there is ruthlessness in Russia but that it is exercised for the lowest and the poorest and for that reason is good. For me it has very little good in it. Some day this ruthlessness will create an anarchy worse than we have ever seen. I am sure we will escape that anarchy here."

Finally when the San Francisco Conference was in session, Gandhi gave one of his marvellous and inspiring statements in which he emphasized how complete freedom of the country (India) from foreign control is an indispensable preliminary to world peace. On the 17th April, 1945, he issued his statement in Bombay on the task that was facing the diplomats of the world at San Fancisco Conference :

"An indispensable preliminary to peace is the complete freedom of India from all foreign control, not merely because it is a classic example of imperialist domination, but because it is a big, ancient and cultured country, which has fought for its freedom since 1920, deliberately by Truth and Non-Violence as its only weapon." Gandhi said " India's weapon of Non-Violence has met with considerable success in her struggle for freedom, and her nationalism spells internationalism, as was demonstrated by the August Resolution of the A. I. C. C. wherein an independent India offered to join in a world federation and to co-operate in the solution of international problems."

Gandhi continued : "Though I know that silence is better than the spoken or written word, there are well-defined limitations to the application of the maxim. The San Francisco Conference is announced to meet shortly. I do not know its agenda. Probably no outsider knows it. Whatever it may be, the conference will have much to do with the world-to-be after the so-called end of the war.

"I very much fear that behind the structure of world security sought to be raised lurk mistrust and fear which breed war. Therefore as a life-long believer in peace as against war, it seems well for me to record my convictions in the matter.

"I reiterate my conviction that there will be no peace for the Allies or the world unless they shed their belief in the efficacy of war and its accompanying terrible deception and fraud and are determined to hammer on real peace based on freedom and equality of all races and nations. Exploitation and domination of one nation over another can have no place in a world striving to put an end to all wars. In such a world only, the militarily weaker nations will be free from the fear of intimidation or exploitation.

"(1) An indispensable preliminary to peace is the complete freedom of India from all foreign control, not merely because it is a classic example of

imperialist domination but specially because it is a big, ancient and cultured country which has fought for its freedom since 1920 deliberately by Truth and Non-Violence as its only weapon.

"Though the Indian soldier has fought not for India's freedom, he has shown during this war as never before that he is at least an equal to the best in his fighting qualities. I cite this to answer the charge that India's peaceful struggle is due to its lack of soldierly quality.

"The inevitable deduction that I draw from this is that Non-Violence of the strong is infinitely braver than their violence. That India may not yet have evolved such Non-Violence is another matter. If it is the case, it does not detract from the statement that it has battled non-violently for freedom and that not without considerable success.

(2) "Freedom of India will demonstrate to all the exploited races of the earth that their freedom is very near and that in no cas will they henceforth be exploited.

(3) "Peace must be just. In order to be that, it must neither be punitive nor vindictive. Germany and Japan should not be humiliated. The strong are never vindictive. Therefore, fruits of peace must be equally shared The effort then will be to turn them into friends. The Allies can prove their democracy by no other means.

(4) "It follows from the foregoing that there will be no armed peace imposed upon the forcibly disarmed. All will be disarmed. There will be an international police force to enforce the lightest terms of peace. Even this retention of an international police will be a concession to human weakness, not by any means an emblem of peace.

"If these foregoing essentials of peace are accepted, it follows that the camouflage of Indian representation through Indians nominated by British Imperialism should be dropped. Such representation will be worse than no representation. Either India at San Francisco is represented by an elected representative or represented not at all.

"The following from the Congress Resolution of 8th August, 1942 had shown clearly what free India stands for :

'While the A. I. C.C. must primarily be concerned with the independence and defence of India in this hour of danger, the Committee is of opinion that the future peace, security and ordered progress of the world demand a world federation of free nations, and on no other basis can the problems of the modern world be solved. Such a world federation would ensure the freedom of its constituent nations, the prevention of aggression and exploitation by one nation over another, the protection of national minorities, the advancement of all backward areas and peoples, and the pooling of the world's resources for the common good of all. On the establishment of such a world federation, disarmament would be practicable in all countries. National armies, navies and air forces would no longer be necessary and a world federal defence force would keep the world peace and prevent aggression. An independent India would gladly join such a world federation and co-operate on an equal basis with other countries in the solution of international problems'.

"Thus the demand for Indian independence is in no way selfish. Its nationalism spells internationalism."

The world now realizes why war aims were not defined at the outset. Would any one have co-operated in war effort if it had been owned at the beginning that on the conclusion of the war, the whole of Asia would stand enchained to free Europe and America, that Burma, Singapore, Indo China, Malaya and Japan would be the bondslaves of the West and China would

lie at the mercy of the Allied Nations. Free India demnded the liberation of these Asiatic countries. Free India undoubtedly stands for a Federation of Nations of a *bona fide* character. She stands for the progress of science which saves lives, not destroys them, which removes want and woe and does not promote unemployment, which fosters the spirit of co-operation and does not kindle the feeling of competition, which brings countries nearer together and does not drive nations farther apart. Free India asks in all humility and in all earnestness what the world stands to gain by uniting together the bodies and rending asunder the souls.

It was said of Hannabal and it was said of Napolean that they defeated themselves by forcing their enemies to learn from them. It may be that the same will be said of the Congress. The Congress has taught the British in full the science and art of Satyagrahic warfare. The soldiers and the officers enlisted in the past and pledged to serve in the future are well known to the enemy. At first Lord Irwin was puzzled and perplexed by the feats of daring and dash exhibited by the Congress in the Salt Satyagraha. Towards the middle, he introduced the Lathi charge, later insults and injuries to women. Lord Willingdon began where Lord Irwin had ended. Lord Linlithgow went one better and prevented the movement of August 1942, by arresting before hand all those who were likely to be concerned with the proposed but distant fight. It was a blitzkrieg, a Pearl-Harbour stroke which nearly paralysed the Satyagraha forces and released those of *Duragraha* or violence. That was just what Britain wanted. She was not equal to a fight on the plane of Non-Violence. She would therefore fain reduce all combat to the plane of violence when she is invincible. It is the Congress really that taught the British War Lorps how to overpower and paralyse the Satyagraha of warfare. The fact, however, remains that the Congress nevertheless had put forth its best efforts to save India from alien rule when it passed the Resolution of August 1942, but it was not allowed to work it out.

Who says the Congress has failed? Has any gardener put in manure to a plant and looked at its branches next morning to see whether it has put forth flower and fruit? Hath it not been said that the blood of the martyrs is the seed of the Church? But has the Church grown overnight? Have Mahadev Desai, Pandit Ranjit, Satyamurti given up their lives in vain? Have the thousand men that became food for cannon shed their blood in vain? Who dreamt that the Kasturba Memorial could get Rs. 1,25,00,000, nearly double tho 75 lacs asked for? If you asked the graduates of the Universities to write out a half-sheet of matter regarding this type of Indian womanhood, the feat would be difficult of preformance. The name of such a *Sati* is written in golden letters all over the face of India. No movement has produced results during its currency. The seed must undergo the throes of the new birth and germinate, then the plant grows and bears flower and fruit. The first fruits of a graft are plucked out. We plucked out Provincial Autonomy and we shall reap the harvest of genuine Swaraj ere long.

A sinking ship sucks in all surrounding waters, structures, life boats and persons. We had escaped from the sinking Empire Boat. For the time being we were being sucked in but it was for us to fight the sinking boat as we did the floating ship. We emerged unscathed from that stage to enjoy freedom, even as the Empire emerged into the Commonwealth.

Success does not always come to the brave—much less to the just and even if it came, it would come not readily. Did the British who claim their cause to be just and themselves to be brave dream of their landing at Celarino and in Normandy and the South of France, when 2½ lacs of their army escaped in their pyjamas at Dunkirk? Did they believe their reoccupation

of Paris would be so near as the 23rd August, 1944, when France fell on the 14th June, 1940? Or did they have the faintest idea when they lost North Africa and the Germans were at El Alamien, within 70 miles of Alexandria—that one day they would sweep the Teuton from Tripoli and Tunis and send him out bag and baggage? Did Russia dream when she lost nearly the whole country to the Germans that she would fight a Stalingrad battle and repeat history—in 1943—the history of French defeat and departure from Moscow in 1812? Imagine the days when Czekoslovakia was taken and Crete fell to the Axis powers and who will say that Eastern Europe would country after country leave the sinking ship, to swim the waters of national life once again? Who so thought that Japan would unconditionally surrender to the Allied Nations? Let us live in hope on the New-Moon day that thereafter, the Full Moon will shortly rise and give her light to the world that is immersed in darkness and despair.

Let it be noted too that Civil Resistance unlike its counterpart in the modern world—violence, is, even if it has not achieve an immediate success, not followed by that utter demoralization and disorganization—wholesale despair and despondency, insufferable inertia and impotence, which an armed rebellion or even a terrorist conspriacy engenders.

The Congress has been criticized for the policies and protests it has adopted against the British Government because it has not won Independence during the war or even a Provisional National Government. Let us, for argument's sake, grant that the Congress has suffered a reverse. It is not for one thing always in the power of mortals to command success. For the rest, it is man's duty to strive and if need be, suffer and sacrifice to attain his ends by Truth and Non-Violence. As Bernard Shaw says "attention and activity lead to mistakes as well as success but a life spent in mistakes is not only more honourable but more useful than life spent in doing nothing". Congressmen may not merely seek empty solace, but derive wholesome satisfaction that their services and sacrifices shall not have gone in vain but shall constitute the firm and unyielding foundation for true national independence and emancipation. In adopting the Bombay Resolution, the Congress merely followed what might be called historical necessity, or shall we not vary the expression and say—scientific necessity? After the failure of the Cripps' Mission, there was a vaeuum. Into that vacuum rushed the Bombay Resolution. If it had succeeded and borne tangible fruit, every one would have praised the Mahatma. When it has not, the Mahatma became mere Gandhi who had *blundered and fumbled.* Here, as elsewhere, the fact remains that earlier decision should not be judged by later experiences!

To say this much is not to state the whole truth. Gandhi in his "definite and constructive policy" submitted to the Viceroy demanded immediate declaration of India's Independence. It was this that put out the English Press—Tory, Liberal and Labour alike. The issue between India and Britain was to Gandhi's mind and is to the average Indian not the method by which India's Independence might be worked out but whether Britain is or is not prepared to acknowledge India's freedom "now and here." Britain wants to make it conditional upon a certain ideal unity being attained by the "important groups in India." Gandhi and the Congress took their stand upon the birth right of India to Freedom—a right at once inviolable and indivisible. The truth of the matter really is that the canons of judgment of Satyagraha materially and radically differ from those of endeavours based on Force and Violence. Rather do those canons approximate to those of a student who perpetually worships at the shrine of learning and perhaps never sees salvation. The servant of a Nation labours for ever for national good and national con-

solidation and every stone that he lifts, every pillar that he erects, every arch that he builds, is a step in advance in completing the edifice of freedom to which he has dedicated his life. But judged even on the material plane, the cause of Indian freedom has sought and found votaries in all parts of the world—old and new, Eastern and Western, and today the philosophers of Europe and America, their statesmen and scholars, their captains of Industry and their servants of Art and culture have testified to the urgency of declaring Indian freedom as the withholding of it any longer will be a certain factor in precipitating another world war. To secure the goodwill of the world is half the battle won. And this the Congress has achieved by allowing itself to be shut up in prisons instead of remaining outside and bemoaning their fate or remaining helpless spectators of the excesses and enormities taking place before their eyes in the name of Law and Order or of War Effort and Peace Endeavour. The Congress has fought irrespective of happiness and misery, profit and loss, success and failure and may well feel content that that way, no sin accrues. The Congress has the satisfaction that in striving for Swaraj it has kept its hands unsullied and its methods and means above board. A Swaraj so built need not labour under apprehensions of being unstable or unscrupulous. It may well serve as example not only to posterity in India but to the whole of Asia which was enslaved after the Second World War and to the occupied countries of Europe which were doubtless liberated but not emancipated. That India's freedom should be the prelude to and symbol of world's emancipation from the grip of untruth and violence, from the storm of confusion and carnage, and from the taint of selfishness and greed, has been the one ambition of Congress under Gandhi's lead and it is no small solace and satisfaction both to the leader and the institution that in striving for this long cherished and dearly beloved object, they have not altogether failed of their purpose. Verily means are more than ends, if they are not the ends themselves.

## CHAPTER XXVII

### Achievements of Ministries

Before considering the achievements in greater detail of the Congress, a word on "Finance" as relating to India and the Provinces would be helpful in facilitating a better understanding of the changes involved in them.

In the domain of finance, as in the domain of political and administration, India tended to pass from a unitary to a federal type. Till 1919, the Finance of India was single and indivisible and Provincial Governments were glorified District Boards except that the latter had powers of taxation while the former had not. Till 1871, every pie of Provincial expenditure was controlled from the Centre and it was only then that there was a certain latitude allowed till 1919. It was in 1919 that the income heads of the Centre and the Provinces were separated with a few items persisting as divided heads, such as Land Revenue, Excise, Income-tax, Stamps, Forests and Registration. The Central were Opium, Salt, Customs and Commercial Undertakings while the Provincial sources were Civil Departments, Provincial works, Provincial rates, etc. The Montford era witnessed the abolition of the third item of divided heads. The Centre had Posts, Income-tax, Railway, Telegraph and Military receipts added. While the provinces had Land Revenue, Irrigation, Stamps (Judicial and Commercial), Registration, Excise and Forests. They were also to share a fraction of the Income-tax equal to a ¼ anna on sums assessed, in excess of the sums assessed in the year 1920-21. The Meston Award reduced by degrees, the system of Provincial contributions as from the year 1922-23 in Bengal and 1925-26 in the rest and finally ended them altogether as from 1928-29. Still the Central Government acted as Banker to Provincial Government.

Financial arrangements under the Act of 1935 were as follows : The Provinces which were to enjoy Provincial Autonomy were enabled to start with a clean slate. Accordingly, their debts to the Centre prior to 1936 to the tune of over 13 crores were wiped out and they were given a further relief in the Provincial Budgets in respect of a recurring liability to the tune of over 1½ crores due to cancellation and consolidation. In addition, the Provinces were to share a moiety of the Income-tax levied which thus brought them an aggregate windfall of a crore and a quarter in 1937-38 and a crore and a half in 1938-39. The Centre's quota was to suffer a progressive diminution. There is a third item relating to the export duty on jute of which 62½ per cent amounting to 2¾ crores in 1937-38 and 2½ crores in 1938-39 was to be enjoyed by the four jute growing Provinces. Finally there were certain annual subventions to be made by the Centre to five Provinces for different periods.

The formation of the Ministry in U. P. was not uneventful and was believed to have led to certain sequelæ which were far-reaching in character. There was naturally concern before the elections to obtain a majority for the Congress and this resulted in a certain co-operation between the League and the Congress in U. P. while they fought each other openly and irreconcilably in the other provinces.

In studying "India since Cripps," Horace Alexander of the Friends' Society, dealing with affairs in U. P. says "Before the 1937 elections, there had been something like an election pact between the Congress and the Muslim League. In the United Provinces for instance, where the Congress did

not expect to get an absolute majority of seats, it was understood that they would act together and that if a ministry was to be formed at all, it would be a coalition ministry." (p. 56) This is a serious misrepresentation of what actually happened. The fact was that Mr. Khalik-ul-Zaman of Lucknow an important dignitary in the League and Chairman of the Parliamentary Committee of U. P. who was in charge of the elections of the League candidates and the corresponding functionaries of the Congress in U. P., worked in unison with the Congress in the selection of candidates for the Provincial Legislative Elections in 1937. The Congress apparently chose to work in concert with the League, because the other Muslim organisation interested in running the elections was the party of Talukdars under the leadership of the Nawab of Chhattari. And the intimacy of consultations and counsels went so far as no League candidate was being run against Mr. Rafi Ahmed Kidwai, when he being unsuccessful in the general elections, contested a bye-election and was returned unopposed. All this led some people to believe—not without a show of appropriateness that there would be a kind of coalition ministry. At least Khalik-ul-Zaman's accession to it was taken for granted. The Congress came in a clear majority. At the last moment, the zonal member of the Congress Parliamentary Board—Maulana Abdul Kalam Azad consulted the President of the Parliamentary Board, Sardar Vallabhbhai J. Patel and obtained his assent to Khalik-ul-Zaman's being taken into the Ministry. But two difficulties arose at this stage. The latter wanted Nawab Ismail as well to be taken. There was room only for one, there being already two Muslim Ministers—Mr. Rafi Kidwai and Hafiz Rahman. The second difficulty was that there was appreciable and weighty opposition in U. P. Congress circles to the coalition when the Congress had a clear majority. Nor could, it was contended, any blame attach to such an opposition in the absence of a definite promise or pact between the League and the Congress at the time they chose to co-operate in the elections. In any case, the co-operation of two such diametrically opposite parties as the League and the Congress in a particular province, would naturally have led to certain presumptions of the spirit that had animated, it being carried even after the elections, and report had it that the failure thus to continue the co-operation resulted in such embitterment that it laid the foundation of a firm demand for Pakistan which evoked no zeal in Bengal or the Punjab but was sponsored by the leaders in U. P.

Out of the 228 seats in the Provincial Assembly, 64 (28 per cent) were reserved for Muslims whose percentage of population was 16, chosen by separate electorates. In 1937, 26 of these seats were won by the League (one being uncontested), 28 by the Independent Muslims, 9 by National Agricultural Party and only one by a Congress Muslim.

The terms communicated by Maulana Azad to the Provincial League Leader in 1937 were as follows :

"1. The Muslim League group in the U. P. Legislature shall cease to function as a separate group.

2. The existing members of the Muslim League Party in the U. P. Assembly shall become part of the Congress Party and will fully share with other members of the Party their privileges and obligations as members of the Congress Party. They will be similarly empowered to participate in the deliberations of the Party in an equal measure with other members and the decisions of the Congress Party as regards work in the Legislatures and general behaviour of its members shall be binding upon them. All matters shall be decided by a majority vote of the Party, each member having one vote.

The policy laid down by the Congress Working Committee for their members in the Legislatures along with the instructions issued by the competent Congress bodies pertaining to their work in such Legislatures shall be faithfully carried out by all the members of the Congress Party including these members. The Muslim League Parliamentary Board in the U. P. will be dissolved and no candidate will thereafter be set up by the said Board at any bye-election. All members of the Party shall actively support any candidate that may be nominated by the Congress to fill up a vacancy occurring hereafter. All members of the Congress Party shall abide by the Rules of the Congress Party and offer their full and genuine co-operation with a view to promoting the interest and prestige of the Congress. In the event of the Congress Party deciding on resignation from the ministry or from the League, the member of the above mentioned group will also be bound by that decision. Maulana appended a note to these published terms. (*Pioneer*, July 30, 1937). It was hoped that if these terms were agreed to and the Muslim League group of members joined the Congress Party, as full members, that group would cease to exist as a separate group. In the formation of the Provincial Cabinet it was considered proper that they should have representation.

The many achievements of the Congress Ministries may profitably be studied in greater detail. The Congress rose to power on a manifesto published before elections which embodied its socialistic principles capable of immediate implementation. It was the duty of Congress Governments in provinces where it held power, to launch measures capable of immediate passage. Indeed it was upon its success in respect of these measures and the promptness with which that success could be registered that the socio-economic and moral emancipation of the people lay depended, let alone its own chances of securing renewed confidence at their hands. Let us recall how it has been crudely stated that "A political party is a lot of busy men (and women now) who do for the people everything needed in the way of government and do it soon enough to keep them satisfied." The party may fail to guess on what the people need. Its sense of timing may be bad so that it hands out things too soon or too late. In such a case, it may be badly defeated or indeed go to smash, like the Federalists and the Whigs long ago.

## Congress Governments

It would be not therefore merely relevant, but positively necessary to include a running summary of the achievements of the Congress Governments that came into being as the result of the elections of February 1937. These were the first Provincial Governments constituted under the Government of India Act of 1935. They were originally six in number, Madras, Bihar, C. P., U. P., Bombay and Orissa as against the five non-Congress Governments of Assam, Bengal, North-West Frontier, Punjab and Sind. But presently the Assam Government passed under the control of a Congress Premier while in Sind, a Muslim of undoubted Congress sympathies held charge as Premier on one occasion and in North-West Frontier Province, a positive Congress ministry was established. This brief account of the work of Congress ministries will, however, be confined to the aforesaid six Governments.

Before detailing these achievements, such as they were, it would be opportune to deal with the charge brought by responsible critics that the ends of Provincial Autonomy were defeated by the intervention of an extraneous, at any rate a third body, between the Legislative parties and the ministries. That body was the Working Committee of the Congress and its Parliamentary

Board. If the running of the elections and the drafting of the election manifesto by the Working Committee would not be, as it was not, objected to, it was difficult to see why the supervision of the work of the ministries so constituted in an advisory capacity could be resented. For one thing the ministers were all new to their tasks and would be none the worse for a general guidance from a body of elders. A second point was that the Provinces were not separate States as in U. S. A. before the Revolution or in Australia before the Federation. They had been members of a unitary Government and had problems common to them in relation to the uplift of the peasantry, the reorganisation of education, the redress of agrarian grievances, the institution of prohibition, the relief of rural indebtedness, the organization of co-operation, the resuscitation of home crafts and village industries, the expansion of irrigation, the construction of village roads, the uprooting of bribery, the injection of the virus of personal rule into an administration notoriously "mechanical", wooden, iron and anti-deluvian, the promotion of public health. Nor could it be said that the Parliamentary Board or the Working Committee had interfered on a single occasion with the trends of legislation or administration in any province. If they spurred on the Provincial Government to a quick tempo in regard to social reform measures such as prohibition that would hardly be indicated as interference. Only in regard to Federation and Complete Independence did they ever urge on their Provincial Ministers the passing of a common resolution. The outbreak of the war necessitated several representations of a uniform character by the several provincial governments. If the Working Committee took a hand in advising disciplinary measure on a minister or a ministry in connection with certain acts, the procedure adopted and the part taken were urgently demanded in the interest of the purity and the integrity of Provincial administration. Perhaps the best flattery that could have been showered upon the methods adopted by the Congress was their imitation by the worst critic, namely the Muslim League.

Professor Coupland's sarcastic reference to the Congress creed—'one party nationalism' (p. 105 Vol. II) is singularly in bad taste and in bad spirit. Every organization has and must have its creed. The only question is whether it is inclusive or exclusive. The South Indian Liberal Federation excluded the Brahmins from its rolls and was exclusively non-Brahman in character and composition. It was only after it had flourished as such from 1917 to 1926 and had formed two triennial ministries (from 1921 to 1926) that Lord Goschen, the Governor of Madras insisted on its being made inclusive, not exclusive and so was its creed altered. The Congress has never excluded a single person—Indian or European from its membership. The Muslim League, the Sikh Khalsa, the Hindu Mahasabha are exclusive organizations. But exclusive or inclusive, these bodies have all till lately acclaimed themselves as factors of composite nationalism. If, therefore, the Congress which in addition, is an all-inclusive body demanding of its members only adherence to the pledge of winning Swaraj from the foreigners by peaceful and legitimate means, one fails to see what it is that the learned professor objects. If Congressmen talked individually of a parallel Government, it was because the Viceroy's assurances regarding Provincial Auotnomy had not been given and Congress had no alternative but to build up its own institutions in the domain of arbitration as against courts, home-crafts as against industries, village and town Panchayats as against Local Bodies, National schools and Basic Education as against the regimented institutions of Government, Swadeshi as against *Videshi*. Was this wrong? Did it deserve jeering ? And where after the Provincial Ministers had begun to function,

Congress was prompt, as in September 1938 and June 1939, in demanding that Congress Committees should not interfere with the ordinary administration by seeking to influence officers and other members of the services or with the discretion of the ministry and should avoid public discussion in matters of differences on policy, the Working Committee could not be blamed.

In 1938, the following resolution had to be placed before the A. I. C. C. and was duly passed by it :

> "Inasmuch as people including a few Congressmen have found in the name of Civil Liberty to advocate murder, arson, looting and class war by violent means, and several newspapers are carrying on a campaign of falsehood and violence calculated to incite the readers to violence and to lead to communal conflicts, the Congress warns the public that Civil Liberty does not cover acts of or incitements to, violence, or promulgation of palpable falsehoods. In spite, therefore, of the Congress Policy of Civil Liberty remaining unchanged, the Congress will consistently with its tradition support measures that may be undertaken by the Congress Governments for the defence of life and property."

It is true that the Congress Working Committee did interfere in holding an enquiry into the conduct of the C. P. Ministry in relation to two matters :

(1) Mr. Sheriff releasing before time, an Inspector of Schools convicted for rape of a girl of 13 years and (2) the Chief Minister tendering resignation of his own accord to the Governor without so much as a word to the Working Committee beforehand, in order to get rid of certain ministers of his cabinet. Both these questions have been dealt with in detail elsewhere in their appropriate context.

Before appraising or even enumerating the achievements of the Congress Governments in regard to social, agrarian and industrial reforms, it would be just as well to picture to the reader the peculiar difficulties they were labouring under in undertaking responsibility without full power and running the administration of provinces with a kind of dyarchy still dangling over their heads. When the ministers were called to office in July 1937, there was still a volume of opposition against acceptance of ministries because the Federal part of the Act of 1935 was not put into force and thus it was a truncated Government of the provinces that they were called upon to carry on. The Government of any country is one and indivisible even as the country is. Its division into provincial and central is a device conducive to administrative convenience. And if the Government is one and indivisible, equally is its finance. For instance if we recall the eleven points of reform demanded by Gandhi in his letter to Lord Irwin (January 1930) and repeated, in his terms presented to Mr. Slocombe from the jail, it will be seen that he had advocated the retrenchment of military expenditure to half and the abolition of the sin money derived from Drink, Salt and Opium of decades and against unvoluntary participation in war. One had merely to look on helplessly while pressure was being exercised in behalf of war effort upon the villagers for funds, upon boatmen through the denial policy, upon cultivators through removal of crops, upon landlords by forced evacuation of houses and lands and so on. Either the Congress had to surrender leadership in favour of diplomacy or take courage in both hands and jump into the unfathomable depths of a mass movement at the risk of being wiped out, if it came to that. At that time, the military expenditure was about 50 crores and its retrenchment would yield a saving of 25 crores which was exactly equal to the loss of revenue by abolition of drink (17 crores), salt (7 crores), and opium (1 crore).

But then there was a difficulty. While on the one side salt and opium were central, drink was a provincial subject; on the other military is a central. Unless therefore, the Congress ministries had control of the central and provincial equally such a reform may not be possible of achievement. Likewise Gandhi had advocated the reduction of Land Revenue to a half and the retrenchment of civil salaries to a half. These two would in the Madras presidency set off each other. But while the former, a provincial subject would lose revenue, the latter mainly a central or/and "prohibited" subject which would compensate the loss is one beyond the jurisdiction of the provincial ministries. This lengthy example has been cited to show how the provincial ministries, Congress or non-Congress were embarrassed, how the power transferred was truncated and how their work had to be viewed with sympathy. It must be admitted to be fair to the bureaucracy that they had nothing but praise for the Congress and non-Congress Governments working under these difficulties. But popular expectation rose high. They were the legitimate expectations among the peasantry of reduction of taxation, amongst labour circles for ameliorative changes, among the indebted for relief of rural and urban indebtedness. There were the Kisan organizations—partly under the influence of the Communists who pitched their demands too high and incited alike the labour and peasantry to go on strikes of a quasi-political character. In addition, the Congress Ministries had to face communal disturbances and Khaksar inroads. Were they to invoke the aid of the repressive laws, a few of which still survived such as the Indian Press Emergency Powers Act of Bombay, the Criminal Law Ammendment Act and above all Section 144 of Criminal Procedure Code? The Press Act was used in Bombay, the Criminal Law Amnedment Act in Madras against the Anti-Hindi agitators and the third almost generally everywhere. In Madras there was a prosecution under Section 124-A of Mr. Batliwala which ended in a conviction that was upheld by the High Court and soon after the accused was set at liberty without serving his term. Gandhi himself came down upon the Law-breakers like a wolf on the fold. "It has been suggested," wrote he, in the columns of the *Harijan* so early as in October 1937, "that Congress ministries, pledged to Non-Violence, cannot resort to legal processes involving punishment. Such are not my views of Non-Violence accepted by Congress. They cannot ignore incitement to violence and manifestly violent speeches."

Nor was the task of Congress ministers made easy by the unrestrained enthusiasm of Congressmen who demanded that the Tricolour flag should fly over colleges, university buildings, travellers' bungalows and public offices belonging to Government and Local Boides. There were objections raised to such a procedure even as to the singing of *Vande Mataram* song before beginning the proceedings of Legislative bodies. The latter was curtailed and the former's use was restricted much to the chagrin of Congressmen who began to chafe under what they considered to be the unnatural restraint imposed by Congress in office. Nor did communal disorders leave any peace of mind to the Congress ministers. "Between the beginning of October 1937 and the end of September 1939, there were 57 serious riots in the Congress provinces as a whole" says Prof. Coupland (*Indian Politics*) "15 in Behar, 14 in U.P., 11 in C. P., 8 in Madras, 7 in Bombay, 1 in Orissa and 1 in N.-W. Frontier. The total number of casualties was nearly 1,700 of which over 130 were fatal. The figures for the non-Congress provinces in the same period are serious riots 28 (Punjab 17; Bengal 7; Assam 3; Sind 1), casualties about 300, deaths 36." These riots were attended with murder, arson, looting, bloodshed. They occurred at Jubbalpore, Allahabad, Benares, Gaya, Berar, Sholapur, Bombay, Madras.

Labour was none too kind either to the Congress Ministries. There were outbreaks of Labour strikes in Ahmedabad (with no rioting however) in November 1937 where the Communists took control of a Trade Union directly working under Gandhian guidance but it was promptly controlled and adjusted. There were some dangerous disturbances too in Bombay and Cawnpore. What was worse, demonstration was staged against the Trades Disputes Act passed by the Bombay Government to prevent lighting strikes and lock-outs. The Bombay Government was the only Government that had passed a comprehensive measure after thorough enquiry. Yet the Communists staged this protest on the ground that it violated the rights of Labour. There were strikes in 17 out of the 77 mills of Bombay. But the Congress Ministry acted with firmness and the passing outbursts of disorder were rapidly put down and order was restored. Cawnpore again was the scene of strikes in 1937 and 1938. A Labour Enquiry Committee was set up by Government who accepted its report. The recommendations were not agreeable to the employers and were equally uncongenial to the workers. Yet a settlement was reached in the end. Then again there was the peasantry with its agelong problems, economic and agrarian. The Kisan movement in Bihar in particular assumed an aggressive tone and attitude. There was looting of crops or their destruction. Volunteer marches and display of red flags became widespread and all this despite the Tenancy Bill passed so early as in December 1937. U. P. again was the favourite scene of like demonstrations though they were not violent. Conditions of land tenure incited tenants to withhold rents. But the ministry had the situation well in hand and rents were paid at their instance to the landlords.

Accordingly when it was found that after Madras and Bombay had released their last prisoners, there were still some 15 such prisoners in U. P. and about 12 in Bihar some of whom had been on hunger-strike, a dispute arose between the Governors and the ministries of U. P. and Bihar and the Governor-General intervened on the ground that his special powers were called forth by the occasion because the wholesale release of these prisoners in U. P. and Bihar would adversely effect the provinces contiguous to them, namely Punjab and Bengal which had a large number of prisoners of violent character. Government too contributed their humble mite to disturb the equanimity of the ministries in Bihar and U. P. although it may not be said that they acted with spite or malice. Even as it was thought by the general public that prosecution for sedition or application of repressive land reactionary laws was incompatible with Congress Governments, so it was considered that the continued detention of political prisoners under their regime should be accounted an act of grave omission and failure of duty on their part. The Governors thought they should 'prevent grave menace to the peace or tranquillity of India or any part thereof.' This led to Governors withholding their assent to release and the consequent resignation of the two Premiers concerned. When the matter was taken up by the Haripura Congress, the Governor-General yielded and the prisoners were released in a couple of months. In effect, twelve were released in February and three in March in 1938 in U. P. while in Bihar ten were released forthwith and all except one by the middle of March 1938.

Still another difficulty was confronting the new made ministers. Apart from the powers of the Governor to be exercised in his discretion or in his judgment, there were the permanent secretaries entrenched in their places behind the ministries and armed with their long experience and their privileged position under the Act. They had direct access to the Governors behind the ministers' backs and they were the authority under whose signature

all orders were to issue. In Bombay at any rate the ministry succeeded in establishing a convention by which the Secretary seeing the Governor direct was required to put down the gist of his conversation with the Governor. The Governor too agreed to consult the ministers in respect of all action which under the Act he felt competent (and proposed) to take in his discretion. It was true that where the ministers presented a united front and made a unanimous recommendation in regard to disciplinary action, no alternative was left to the Governor but to comply with it. Yet it may be noted here how in Madras the Collector and District Magistrate of Vizagapattam on whom a Commission of enquiry fixed the responsibility for firing in the dark on people on a sitting strike at the Chittivalasa factory had no more disciplinary action visited upon him by the Governor than his transfer from Vizag to Ootacamund (really a reward, not a punishment), failing which (because the Collector there who was in his last year's service protested) to Malabar, (the second best district in the Province, failing which too for a similar reason, to Bellary, the third best disrtict).

It was in the midst of these distractions and disturbances that the Congress ministers had to embark on their scheme of Reforms, social, economic and agrarian. In the domain of positive achievement, the land and agriculture, the problem of tenures and the intermediaries between landlords and cultivators, naturally claimed and obtained the first and best attention. While Bombay had wholly the Ryotwari system, Madras had a good proportion of land on the basis of permanent settlement and likewise Orisssa, while Bengal and Bihar and U. P. were mainly on a permanent settlement or a quasi permanent settlement.

In Madras on the motion of the Revenue Minister was appointed a Committee of nine members of the two Houses to enquire into the working of the Madras Estate Land Act of 1908 as amended in 1936 and the terms of reference included the juridical relations between the landlord and the ryot. A voluminous report was produced as the result of prolonged labours which provides an authoritative treatment of the whole subject of Permanent Settlement. A Bill was appended to the Report and the whole was presented to the Legislature (both Houses), the Lower House having adopted an amendment to the Revenue Minister's motion for consideration that the majority (6 to 3) recommendations be embodied in an Act. But the Congress Ministry resigned before this could be done and the ryots of the permanently settled area got no relief in this behalf, while a special officer appointed by the Congress ministry to scrutinize the proposals and embody them in a Bill was believed to have reported against the major recommendations. The fact was that though the ministers were progressive, the permanent officials interposed obstacles in the way of achieving the desired progress. It must be said, however, that one of the ministers, himself a Zamindar, wrote a note against the main proposal.

So far as the Ryotwari land was concerned, the periodical settlement of land revenue and water rate (consolidated) which last fell due in 1929 for 3 districts was held in abeyance thereafter and the recommendations of the 1929 recommendations relating to Kistna and the two Godavari Disrticts were also suspended by the previous Montford Ministry (the last one). The interim ministry had appointed a committee known after the name of Marjori Banks, I.C.S., whose recommendations were however not published as the interim ministry had to resign. The Congress ministry then implemented the recommendations which involved a remission of 75 lakhs of rupees over the whole province—a remission which was greatly valued by the ryots but was cancelled during the war by the Advisers' Government in 1943.

### (2) Prohibition (Madras)

The Madras Premier was a particular enthusiast in regard to this much needed but long neglected socio-ethical reform. He lost no time in introducing prohibition in beginning with Salem by amending the Abkari Act in the Legislature so that the Court could not interfere with the Reform. It was later extended to the districts of North Arcot, Chittur and Cuddappah involving a loss of revenue of about a crore. To compensate for this and provide for further inevitable losses, general Sales Tax was devised and levied which brought in a revenue of over a crore in the first round and nearly trebled itself by 1945.

### (3) Agricultural Debt Relief (Madras)

So early as in 1937 an ordinance was contemplated to call a moratorium in regard to agricultural debts but this was abandoned and a Debt Relief Act was passed on a comprehensive scale and Debt Relief Boards were appointed all over the Province for each Revenue division to work the provision of the Act and the result of its working is that for 82 months ending December 1944, the total amount of Debt for relief on which applications were filed before the Debt Conciliation Committees (or courts) was 938.8 lakhs of rupees which was reduced to 448.06 lakhs. This was exclusive of private settlement in terms of the Act.

### (4) Education (Madras)

The budget for Education which was the largest in all the provinces in India was increased by the large measure in the whole country in order to provide better facilities for the education of women and the Depressed Classes.

Again the Madras Government interested itself in the promotion of Basic Education after the lines of the Wardha Resolution of the National Educational Conference held in October 1937 which urged that the process of Education throughout a period of seven years' schooling should centre round some form of manual and productive work to which should be integrally related as far as possible the training and development of other abilities having regard to the environment of the child. The Government opened one training school in the South and helped another in the North.

(5) Aid was afforded to Cottage Industries—notably handloom cloth by requiring all vendors of mill woven cloth to obtain licenses from which however the handloom cloth was exempt. An annual grant of 2 lakhs was made for the promotion of Khaddar organization (All-India Spinners' Association) in relation to its Science and Art. State aid was liberally extended to other cottage and small-scale industries through a Board of Industries specially appointed and a Central Museum was established in Madras which gave encouragement to smaller District Museums.

(6) The Depressed Classes claimed a legitimate measure of Government's attention in respect of their social, religious and economic welfares. New Hostels were established for them or old ones improved and handsome grants were made for hostels for both boys and girls.

A legislative measure known as the Malabar Temple Entry Act was passed which provided the Depressed Classes free entry into temples in Malabar provided the majority of the Caste Hindus voted in a particular Taluka. Likewise temple entry was facilitated by means of a measure called the Mad-

ras Temple authorisation and Indemnity Act which was preceded by an ordinance. The Act empowered the trustees of Temples to throw them open to Harijans, subject to approval of Government. This was a measure of general application to any Temple in the Province.

The removal of civil disabilities was aimed at through a measure—the removal of C. D. Act, which made it impossible to prevent the Harijans from being appointed to any public office or from having access to any public source of water, pathway, sanitary conveniences, means of transport or any secular institution to which the general Hindu public has access or which is maintained for the use of the general public or paid for from public funds. It provided that no court or public authority shall recognize any custom or usage by which it is sought to impose any civil disability on Harijans. Under this measure, the great Meenakshi temple of Madura was thrown open to Harijans.

(7) Other measures included (i) better arrangements for Rural water supply for which an initial grant of 25 lakhs was provided with a recurring annual provision of about 10 lakhs, (ii) organisation of Honorary Medical Service associating private medical practitioners with civil hospital work, (iii) the collection by the Ministry of Labour of unemployment statistics with a view to levying a tax on the Educated employed for the purpose of bettering the lot of the former and (iv) the appointment of a co-operative committee which produced a comprehensive report reorganizing the whole movement, (v) a decision that public utility concerns should be run and owned by the State.

In Bombay, where there are no Zamindars, the bugbear of Permanent Settlement did not embarrass the progress of the Congress Ministry. The Agriculturual Debtors' Relief Act was of course passed in accordance with the promise in the Election Manifesto. Amongst other provisions, it included one for the settlement of debts through co-operative societies. The Bombay Tenancy Act was another measure to the credit of the Congress Government. The village improvement or the rural development scheme and the District and Provincial Rural Development Boards of Bombay were very popular. The Bombay Panchayat Act resulted in the establishment of 1,500 Village Panchayats with powers of criminal and civil jurisdiction. As in Madras, useful reforms were introduced through the subsidized medical practitioners' scheme and the rural water supply and roads scheme.

But the *magnum opus* of the Bombay Government was the prohibition scheme and the Labour Act. In Bombay, the plans of Prohibition worked from the centre to the periphery while in Madras the plan was to reach the centre from the periphery. The latter therefore began with the Districts while the former began with the metropolis. It is complained by people bent on traducing or belittling the Congress Ministry that not only were all the Reforms schemes previously included in the White Paper handed to the interim co-operative ministry, but that the Congress government "imposed —taxation of nearly 165 lakhs all of which was absorbed in the fad of prohibition." The fact is that the Congress Government had the guts to achieve in the city of Bombay a revision of House tax that could not even be imagined for half a century previously. Such was the power and potency of vested interests and whatever else lay to the credit of the Congress Government or not, this prohibition must at any rate be accounted as a real achievement of them. They made up the loss of revenue by raising the House tax in the city which naturally raised a howl. The wealthy Mussalman owners of buildings and the Parsi contractors of liquor shops were affected by the Reform and they raised a protest against the consequent taxation. But the firm

hand of the ministry carried it through and maintained Law and Order on the opening day of Prohibition with rare courage and unprecedented skill of organisation.

The Trade Disputes Act passed by the Bombay Legislature was a remarkable piece of legislation and was the product of deep study and laborious effort. It inspired "an increasing recourse to conciliation" although there was a provision for the direct settlement of disputes through a Labour Court. The Bombay Government took keen interest in the popularisation of the Basic Education scheme and went farthest along in this behalf with Bihar and United Provinces. By the summer of 1939, Basic Education was introduced in compact areas in 59 schools, as also in 28 isolated schools. A board for adult education was established in 1938 with a grant of Rs. 40,000 and started 665 adult schools and classes with a strength of over 21,000.

One unique achievement of the Bombay Government was the restoration of the agricultural land sold out by Government to third parties in the Satyagraha movement of 1930-32, by the aid of a special enactment.

### United Provinces

The call for Agrarian Reform was loudest in U. P. and Bihar. A comprehensive measure was introduced of over 300 sections with the object of "providing security of tenure, fixation of rent by Government agency and the abolition of a number of abuses and vexatious restrictions on Tenants." The measure was before the Viceroy for his approval at the time of the resignation of the ministry and his assent was obtained with difficulty to it.

The prohibition scheme of U. P. involved a sacrifice of 37 lakhs in a total revenue of 15·3 lakhs.

A campaign against illiteracy was inaugurated. By 1940, 2,30,000 adults including 6,000 women were reported as having become literates with 7,000 voluntary teachers who were offered rewards proportionate to their work. A Basic Training College was established at Allahabad with a school attached to it. Refresher courses were offered at 7 central points to train District Local Board Teachers in order that they may convert their schools into basic schools. An elaborate scheme of Rural Reconstruction was organized under the supervision of an honorary Director of Rural Reconstruction with whom the Department was required to collaborate with so many as 1,200 rural centric workers engaged as paid workers.

### Bihar

As in U. P., so in Bihar, the problem of agrarian relief and Reform was the most urgent item for consideration by the Bihar Congress Government. A Tenancy Act was passed providing for the reduction of all rents to the level of 1911 and all existing arrears, were substantially reduced. The summary and coercive facilities for the collection of rent by the landlords till then in vogue were greatly curtailed. A pre-existing occupancy tenant could not be ejected for non-payment of rent or for any other reason except that they had rendered the land unfit for cultivation. An Agricultural Debt Relief Act was passed which fixed 9 per cent as the maximum interest payable on debts.

Partial prohibition was introduced which involved a loss of 13 lakhs of drink revenue out of 116 lakhs.

Bihar like Madras had a harijan minister. All public schools were compelled to admit Harijans to schools and other Educational Institutions. A Basic

Education Board was established in 1938. The Patna Training School was converted into a centre for Basic training. In 1939, a scheme was started to establish 50 experimental schools in one compact area in the Province unlike in U. P. where they were scattered. A seven year programme of graduated extension of the principles of Basic education was drawn up and implemented and an Inspectorate was attached to the scheme which was well on hand at the time of resignation. The Education Minister organised a campaign against illiteracy in adults in 1938 and enlisted the services of teachers and students in its service, so that by April 1939, 14,259 centres had been established with nearly 3,19,000 students. In 1940-41, the total expenditure on the section came to Rs. 2,08,000 while in the 1st year it began with Rs. 10,000 and in the 2nd it came to Rs. 80,000.

### Central Provinces

This province attained prominence for its popularization of the Vidya Mandir scheme. The idea was that the school should be started with its own site and buildings, the former of which was to be as far as possible a gift. The maintenance was to be founded from the sale of the products of the boys and the income arising from the land. In 1939, 93 Vidya Mandirs were functioning with 2,469 students. The total cost was Rs. 62,000 of which the income from the plots was Rs. 51,000.

The Central Provinces Government undertook a scheme of Prison in which the class of political prisoners was recognised as such. This Act was, however, repealed during the time of Individual Satyagraha. Debt Conciliation Boards and Agrarian Reform were also undertaken in C. P.

### Orissa

In 1938, a bill was passed which reduced all rents in the Zamindari areas in a part of the Province to the rates of Land Revenue payable on similar land in the nearest Zamindari area *plus* two annas in the rupee as compensation to the Zamindar. This entailed on the Zamindar in certain cases a loss of 50 to 60 per cent of the income. But this Bill was not given the Governor-General's assent which was withheld after the ministry had resigned.

### Revenue

Substantial remissions of Land Revenue were made by Congress Governments soon after they assumed office. That of Madras to the tune of 75 lacs has already been referred to and the total revenue on land despite this rose to 11 per cent. In Assam where the Congress Ministry took time in coming to power, the remission of 25 lacs made by its predecessor was raised to 40 lacs which amounted to $\frac{1}{8}$ of the total revenue of the Province. In Bombay, besides considerable remissions to the small landholder, a comprehesive Land Revenue Amendment Act was passed under which land revenue enhancements ceased to be an executive function and came under the purview of the statute and increments were strictly limited.

### Excise

Total yield over India (1936-37) was 14·07 crores. In Congress Provinces which adopted varying degrees of Prohibition, an estimated reduction of 1.5 crores was budgeted for while in Bengal a heavy increase of 21 lacs

and in Punjab 7 lacs were estimated for Sales Tax. Madras started with a Sales Tax of Re. ½ per cent. in 1939 which yielded 34 lacs in 1939-40 and 72 lacs in 1940-41. It may be noted that from April 1940, the rate was halved by the Advisers' Government, but since raised to Re. 1/- per cent.

Almost every province went in later for a selective Sales Tax on commodities such as tobacco, motor spirit, lubricants, electricity. Bombay proposed a tax on cloth and passed a permissive measure in 1939 in the form of a Sales Tax but it was not actually levied when the Congress Government resigned.

Agricultural Income tax on a graduated scale subject to a maximum of 2½ annas in the rupee, was experimented with only in Assam (25 lacs) and Bihar (15 lacs).

An Urban Immoveable Property Tax was levied in Bombay and Ahmedabad to the tune of 10 per cent. on the annual rental value and this was in addition to the municipal rates.

In C.P., a tax on employments, trades and callings was levied in 1937-38 at a flat rate of Rs. 28 and Rs. 30 per annum. In U.P., it was to be 10 per cent. on salaries exceeding Rs. 2,500 per annum. The Governor-General reserved the Act and Parliament enacted a new section 142-A which limited the total amount payable in respect of any one person to the Province or to any local body to Rs. 50/-. Thus U.P. plan was defeated.

In U.P. and Bihar, a sugar-cane cess was imposed of ½ anna on a maund consumed in factories as in Bengal on jute and the proceeds were earmarked for expenditure on the development of the commodity.

In Madras, in addition to new sources of revenue thus developed savings in expenditure were effected by re-organizing and reducing the scales of pay of new entrants of the Provincial and subordinate services.

There remains to be recorded briefly one more composite effort of the Congress-manned provinces and the Congress Working Committee which (latter) during the Presidentship of Babu Subhash Chandra Bose 1938-39, and in the absence of Pandit Jawaharlal Nehru in England, resolved to set up a National Planning Committee under Nehru's chairmanship which readily began action and set up numerous committees to draw up plans for the developments of large-scale industries and home-crafts. The procedure adopted began with a Conference of Ministers of Industries at Delhi on October 2 and 3, 1938 with Subhash Babu in the chair. The National Planning Committee set up at this Conference met on December 17 when representatives of Mysore, Hyderabad and Baroda were also present, prepared a questionnaire of 237 questions which were widely circulated in the country. Its resources were the contributions of Provincial Government which in 1939 amounted to Rs. 37,000. The Committee met again in 1939 June. Its plans were drawn up on the basis of a free and independent India. 31 Sub-Committees were set up which included representatives of all Provincial Governments and the States of Hyderabad, Mysore, Bhopal, Boroda, Travancore and Cochin. But after the Congress Governments had resigned these various provinces refused monetary assistance. The third session of the Committee was held in May 1940. But all the sub-committees' reports were not ready. The trend of the Committee's deliberations was to move towards state ownership of defence industries, key industries and public utility concerns and land co-operative and collective protection and encouragement of village crafts and cottage industries.

### Conclusion

The verdict of the Viceroy and the Governors themselves on the work of the ministers was not only one of praise, but it was ungrudging praise and

gushing appreciation. Lord Linlithgow's tribute to it recognized that all Provincial Governments "conducted their own affair on the whole with great success,"—no one can question. Whatever political party was in power in these provinces, all can look with satisfaction on a distinguished record of public achievement during the last two and half years (October 17, 1939). Again the same Governor—General wrote after his retirement on the communal problem as follows :

> "In dealing with the communal issues, the ministers in my judgment, normally acted with impartiality and a desire to do what was fair. Indeed towards the end of their time, they were being seriously criticized by the Hindu Mahasabha on the ground that they were not being fair to the Hindus, though there was no justification for such a criticism."

Indeed when the Congess ministries resigned in October 1939, both the Viceroy and the Governors were unhappy over the step taken and it is a matter of general knowledge how they tried to win them back to office. Their goodwill however could not stand the strain of the popular demand for India being declaring free before she could participate in war effort. The head and front of the Congress Ministers' crime was that they wanted to fight the Axis Powers as free men themselves and did not undertake to restore freedom abroad while hugging slavery at home. Such a stand, firm and unyielding soon roused the antipathies of the British satraps in India and from that time forward the Secretary of State and the Viceroy and the Governors, later Sir Stafford Cripps and his professional entourage began to shower abuses on the devoted head of the Congress as a totalitarian body, the Working Committee as a High Command, Congress control as unitarian rule and the Congress itself as a monopolist body.

## CHAPTER XXVIII

### Reactionary Measures in Provinces

The resignations of Congress ministers in October and November 1939 were, as was but to be expected, followed by certain reactionary measures adopted by the Provincial Governments, commonly known as Advisers' Governments which inherited the legacy of Provincial Autonomy. In Madras almost the first step adopted was to stop the further extension of the Prohibition area under the ostensible plea of the war, while an early opportunity was taken to reduce to a half the Sales-tax. This tax, however was, since increased to double the original rates and gradually ceased to figure in the Budget. The Khaddar grant was however continued though in an attenuated measure. In Bihar the Prohibition policy underwent a radical change as could be seen from the following press note.

> "Government's decision to abolish prohibition, has been taken in view of the large increase that had taken place in smuggling. Government will increase their revenue by this measure by 16 to 20 lakhs plus the expenditure that was incurred on staff and other establishment expenses in maintaining prohibition, which also will be saved."

The Wardha Scheme and the Vidya Mandir plans gave an impetus not merely to literacy but to a kind of Basic Education intimately linked to national life, which if it had been duly developed, would have wiped out the scarcity of cloth which harassed the poor during the war. Bihar and U. P. had taken steps to remove illiteracy the former placing her reliance mainly on teachers and the latter making a most interesting and enterprising experiment with about a thousand adult schools, 4,000 circulating libraries and 3,600 free reading rooms. A literacy pledge was administered enjoining it as a duty on "each one to teach one" which was signed by half a million, so hoping that illiteracy would be wiped out in 2 decades. With the resignation of the Ministries, these several schemes fell into desuetude.

In U. P. there was a set-back in another direction. The province had during the time of the Congress Ministry, taken a bold step in the direction of effacing illiteracy. India holds ⅓ of the illiterates of world. Those who are returned as literate contain many who are barely able to read or write and many more who are only able to sign. But even from amongst these is generally a huge big lapse into illiteracy owing to what is called "disuse atrophy."

Still another domain of interference by the bureaucracy resuscitated in the Advisers' regime is that of Education and the vehement protest of so pronounced a Moderate and Liberal leader like Sir Chimanlal Setalvad—himself sometime Vice-Chancellor of the Bombay University—embodied in the following speech of his speaks for itself.

"This University has always rightly stood up for its own autonomy and that of its affiliated colleges and it must do the same on this occasion" observed Sir Chimanlal Setalvad moving a resolution at the meeting of the Senate of Bombay University protesting against the attempt on the part of the Director of Public Instruction to exercise control and supervision over colleges affiliated to the University but not aided or maintained by Government.

Tracing the history of the question, which arose in August last year, Sir Chimanlal referred to the two circulars issued by the Director of Public Instruction on the discipline of the institutions and the order issued by him stating that certain students of Ahmedabad would not get their scholarships unless their Principal agreed to answer certain questions. Later the order was modified.

The contention of the D. P. I. was that the order was justified under the University Act. Sir Chimanlal contended that Government might require some information from aided colleges, but not of the character required by the D. P. I. in this instance. As regards colleges that received no grants-in-aid Government had no power to make any requisition. The more free the University and colleges were from Government control the better it would be for higher education. This fact Sir Chimanlal said was stressed by Sir Alexander Grant, who was D. P. I. and Vice-Chancellor of the University in 1866-67, while bidding farewell to Sir Bartle Frere, the then Governor of Bombay.

Sir Chimanlal then referred to an incident in 1908 when Sir George Clarke, Governor of Bombay, tried to interfere with the affairs of the University and wanted the matriculation examination to be abolished. It was only after Lord Willingdon became Governor that the matters were amicably settled and cordial relations between Government and the University were re-established.

In 1920, when Sir Chimanlal himself was the Vice-Chancellor and Sir George Lloyd, the Governor of Bombay, Government wrote a letter asking the University clock to be set right by a certain date, failing which Government would take measures to do it. The Syndicate of the University replied that the clock was the property of the University and any interference with that property would not be tolerated.

Concluding, Sir Chimanlal said that it was not a pleasant thing for him to move the resolution. The present D. P. I. was a member of the Senate and his personal friend. It would be graceful on his part to acknowledge his mistake.

The Premier of Assam was faced with a poser at a National War Front meeting at a village in Dibrugarh district. He asked the people to take to the spinning wheel for the solution of their cloth problem. But the people told him that his policemen had broken their spinning wheels the previous year, probably thinking that with the spinning wheel would go that drive for self-sufficiency which is the cardinal part of the Congress Economic Programme. The Premier promised to take serious notice of it if sufficient evidence were produced.

The Prohibition Policy of Madras underwent a radical and reactionary change. Prohibition in Madras or for that matter elsewhere was not lightly embarked upon. Apart from the Congressman's partiality for it, the fact may be recalled how so early as in 1925, in the Central Assembly with the unanimous support of all the non-official members, a resolution on prohibition was passed. Later in 1928, it was passed by all Provincial Legislatures and was further incorporated in the draft constitution approved of by the All-Parties' Conference in 1928 in Calcutta. Finally it found a place in 1931 in the Karachi Resolution on Fundamental Rights. The tragedy of Prohibition in Madras on grounds of an altogether untenable character would be better appreciated when we see how the change affect 70 lakhs of population residing in 4 districts with an area of 24,000 square miles and in this area and for these people 6,000 toddy shops were to be opened once again.

The press *communique* of the Madras Government deciding upon the abolition of Prohibition speaks for itself. The underlying assumption of illicit manufacture of Toddy being a food and of financial need trumpeted forth in the loudest tones that Governments are impervious to moral consideration either as ideals in themselves or as factors regulating the socio-economic life of a nation. If there were 6,000 prosecutions in a year, they worked out a percentage of 15 per diem not—altogether unexpected under a Reform extending over four heavy districts and covering nearly a crore of rupees of this illegitimate income. Let us grant that there was illicit manufacture, does it mean that the drink evil must be restored, validated and made a fruitful source of Revenue ? That people should be invited to drink, that taverns should be opened near their abodes and *satan's* ways brought next door to them ? The figures of illicit manufacture rather showed how successful the scheme of Prohibition was ; not how much a failure it proved. For time and eternity, the Madras Government earned the curses of the women of the Salem, Chittoor, Cuddapah and North Arcot Districts and failed to earn the blessings of the remaining districts like Anantapur—notable amongst them—which had been anxiously expecting the extension to it of this priceless boon. Parts of Anantapur District (Pamur Taluk) had effected voluntary prohibition until in the general scheme introduced by Congress Government, the unfortunate Tahsil had to forego this voluntarily earned privilege. Consideration of Famine and Floods and of budget deficits and even inflation are an after-thought to support excuses rather than explanations for the reactionary measure. The one conclusion that emerges from it is that the Government that effected it was singularly wanting in the moral urge and therefore unable to exercise that moral fervour and faith which are the great factors that had popularized the Reform.

It is curious how the Madras Government argued against themselves when citing illicit manufacture as the cause for which they terminated prohibition in the Province. Illicit manufacture refers to the manufacture of *Arrack* against which however Prohibition continued to operate. If *Arrack* was still to be prohibited, that would be putting a premium upon its illicit manufacture. And the illicit manufacture of *Arrack* could not constitute a reason for the permission of Toddy sales. It was not contended that there was illicit drawing of *toddy* and therefore toddy was permitted. There is an old story of a poacher climbing a cocoanut palm and when detected in the crime explained that he had climbed the tree—not for stealing cocoanuts but for cutting grass for the calf. The Madras Government's explanation fared no better. If illicit distillation could be made a reason for terminating the Prohibition Act, the fact still remained that even where no Prohibition was introduced illicit distillation was going on in full force. Would that be a ground for suspending the Abkari Act ? The motive for the crime as pointed out by Shri C. Rajagopalachari is greed not drink. The Madras Government might advantageously have been reminded of the man who set fire to the eaves of his house, because he wanted to kill the rats infesting it.

The abolition of Prohibition as a remedy against inflation,—one does not know whether such an argument should bring laughter to our lips or tears to our eyes. Supposing for one moment that the class of people that are given to drink have too much money flying about their hands—really they were starving,—would it be a remedy to open drink shops in order to make them spend that money? If they spent it, it would only find its way to another centre of inflation—the toddy contractors in whose hands, the new inflation would even work greater mischief for it would all be surplus money in the hands of the well-to-do. It would be no argument to say that the tree tax

would be levied. Was it not a well known fact that as against the four crores of revenue accruing from drink to the Madras Government, the money actually spent upon drink by those that pay for it itself ran up to 17 crores ? And compared to this monstrous sum, the tree tax and license fees were but a flea-bite. Nor could the public forget that Government's earlier and better remedy against inflation was to induce the poor to save up their little moneys in cash certificates to be released after the war and reconvert into money. It was not fair either, for Government to ask both for the Drink Revenue and the proceeds of the Sales Tax. The latter was devised by the Congress Government in the Southern Province as a compensation for the loss of Revenue from Drink. And the moral gain from Prohibition was to be the solace to the people for the extra tax which fell wholly upon the consumers. What did the Madras Government do ? It would have the grist as well as the cake—the Drink Revenue as well as the Sales Tax—the latter on an increased scale. The whole affair betrayed an aridity of heart, a clouded understanding and a perverse attitude. The moral element was given the go-bye and the much advertised concern of British Bureaucracy for the masses betrayed the hollowness of the claim in the reckless and immoral change introduced by the Advisers' Government behind the back of the popular Legislature.

The Madras Government which had made a cheap notoriety for itself by its virtual abolition of Prohibition followed it up by modification of the Education Rules, the effect of which was to deny admission into any college or school of students who had been convicted or detained in the political commotion, except with the previous permission of the Director of Public Instruction. Having thus struck a path of their own, in the domains of Prohibition and Education, they proceeded to the sphere of Local Self-Government and set an unprecedented example by amending the Madras District Municipalities by means of Act II of 1944 empowering the Collector to authorize any councillor to exercise all powers and duties of Chairman and Vice-Chairman if it appeared to the Collector that they were for any reason, not likely to exercise or discharge all or any of their duties.

As a protest against this amendment, the Cocanada Municipality passed a resolution condemning it and it was followed by resignation of the Vice-Chairman, several other Congress councillors of their convenerships of sub-committees and of the Chairman himself.

### Communalism

In Sind, the Hindu Electorates for Municipal elections were abolished on the ground that Hindu Electorates were against the spirit of Pakistan.

In Kashmir, a representation emanated from the Muslim Conference that where Muslims figured as parties in litigation the Judge should be a Muslim.

### Howrah Municipality.

Amongst the reactionary measures directed against the Local Bodies in India, easily the most outstanding was the one taken against the Howrah Municipality in June 1944. Elsewhere it might be said that the retrogressive acts were done by the Governments set up under Section 93. But here there continued a popular Government first under the Premiership of Fazlul Huq and next under that of Sir Nazimuddin. The last act of service rendered to Bengal and to the cause of Provincial Autonomy by the late Sir John Herbert before his death was to set up the Nazimuddin Ministry and one of

the Ministers, Mr. Pain—a representative of the Harijan Community continued strangely to be the Chairman of the Howrah Municipality even after he became a minister. This state of things naturally revolted the feelings of the members of the Corporation and they lost no time in bringing up a vote of no-confidence against their Minister Chairman. The vote was passed and an Executive Officer was appointed. As a counter measure against this, Government superseded the Municipality—not indeed under the Local Self-Government Act of the Province but under the Defence of India Rules. This led to a petition in the High Court asking for an injunction restraining the ex-officer from functioning. It was represented that the Defence Rules were invoked only because Government could not bring against the Municipality any charges of corruption or incompetence which the Ordinance Law required to justify supersession. The High Court granted a temporary injunction. But it was soon found out that a vacuum was created as the temporary injunction against the Ex-Officer could not automatically restore the superseded Municipality since Government which had issued such orders was not made a party. Accordingly, Government was made a party and the original Municipality was enabled to function during the short interregnum before the injunction orders were finally disposed of.

An interesting point that was sought to be made in the course of this case was an allegation in an affidavit that the Minister Chairman approached some of the councillors and threatened that if the vote of no-confidence was not taken back the Municipality would be superseded and he had the orders of supersession in his pocket. The Judge—Justice Edgerly was greatly perturbed by the continuance in office as the Chairman of a Municipality of a person, after himself becoming a Minister of the Province.

## Reaction of Local Bodies

The bid for freedom by a nation in subjection can hardly meet with success so long as its organized bodies do not share the hunger and thirst for it. In India the great body of public servants—no matter what cadre or community they may belong to, have not been able to throw away their love of the immediate—the plums and puddings of office, for that larger and wholly different pabulum of freedom on which the nation's integrity of culture and civilization can hope to sustain themselves. Not that the men in public service are loyal—not at all for the vast bulk of them are seething with discontent, but that the seed of English Education generates the tree of subjection which bears the fruits of selfishness, servility and obsequiousness. For that matter, the Indian Army—if the use of such an expression is permissible in a counrty where Government records and phraseology always speak of the Army in India—is not bereft of the feelings and spirit of patriotism but the inexorable needs of the stomach, the responsibilities of early paternity in a system of marriage to which most people are not equal, the absence of other remunerative outlets have driven thousands and lakhs of young men who realize their subjection and yet join the army in its various sections from which they return with ten times the bitterness added to their original discontent.

That leaves only the Local Bodies as organs and exponents of public opinion. Whether India wants Swaraj—full freedom or not, is a subject of perennial interest and any sincere enquirer may turn to the conduct of the Local Bodies in the various provinces for an effective answer. A good number—not less than half of the Local Bodies—Municipalities and District Boards signified their approval of the Congress demand whether it be by hoisting the Congress flag or approving the Congress resolution or urging the

release of the Congress leaders and pressing for a peaceful settlement by re-opening negotiations. For these acts of sinfulness, they were asked to withdraw their resolutions and most of them having declined to do so, were superseded and replaced by paid officials or rarely non-officials to whose charge the whole Local Body with its funds and staff were entrusted.

Alone amongst these thousands stands the Municipality of Ahmedabad, one of the biggest cities of India with a population of 6 lakhs and a revenue of half a crore of rupees. For twenty-two years, this Municipality had been Congress-manned with Vallabhbhai J. Patel as its first Congress President continuously for 5 years until the Agrarian No-Tax Campaign of Bardoli in 1928 necessitated his resignation. This Municipality held out and maintained its self-respect throughout the troubled times of 1942-43. A thousand primary school teachers were dispensed with and the School Board was suspended. The staff refused to work until the Congress leaders were released. The flag continued to fly on the stately buildings of the Corporation and when the Police removed it, the staff refused to work until it was restored. The Collector intervened and the flag was rehoisted. Some of the senior members of the staff were prosecuted for refusing to work on political grounds and one Engineer who was punished in the lower court was acquitted on appeal. Nor were the citizens less patriotic. They conducted the mass movement on the lines of Non-Violence, and month after month, celebrated the day of the arrest of Gandhi and his colleagues by organising processions against prohibitory orders. Month after month, there was firing, the cause assigned being the familiar allegation of the public throwing brickbats on the Police. Month after month the trying demonstration was organized and its results were faced with alacrity and good cheer. Altogether the Municipality and the city gave an account of themselves worthy in every way of record in the annals of the struggle for Swaraj. Nor was it merely airy demonstrations and vociferous meetings that lay to the credit of this great body. The testimony of an "Educationist" appended below proves the achievements that lay to the credit of the Congress which luckily as the writer pointed out (in July 1943) were continued and developed during the regime of the Committee that replaced the original elected body.

"The Ahmedabad School Board has a notable record for excellent work. There are some 92 Children's Co-operative Societies. Particular attention is paid to encouraging Muslim girls' education but there is true need for Muslim women teachers.

"There has been a 40 per cent. increase in the school-going children of the backward classes. This work, begun under Congress influence, is continued by the present Committee but the most attractive part is the craft work done by pupils in schools. At Barwala excellent blotting paper is made; at Ranpur coir mats; at Modasa lamps' wicks and sashes. At Dholka the spinning is perfect. But the worthiest example of a crafts school is that of Ambli School, 10 miles from Ahmedabad. It teaches agricultural operations and carpentry, smithy work and hand-weaving. The major portion of the output is given to students. Each student earns about Rs. 40 in the year and wears self-woven clothing. This excellent work is done under the initiative and enthusiasm of the efficient administrator of the Ahmedabad District School Board, Rao Saheb Pritamarai V. Desai, who is noted for his part in co-operative housing in Ahmedabad which is considered exemplary in the co-operative world. All School Boards in Gujarat should profit by this example."

### Ahmedabad.

To remedy the situation arising from the Municipal elections in Gujarat which went in favour of the Congress cent per cent. Government formed a committee of administration in Ahmedabad composed of 10 members of whom five were Muslims and of the remaining five, two were Hindu Government pleaders, one was a Harijan of the Ambedkar School, one was a Royist and the fifth was a Parsee. It was revealed by the Muslim members that they had stipulated and been appointed for a term of 3 years and complained that the Government order mentioned only "until further orders."

### The Calcutta Corporation

The European Community in the Legislative Assembly of Bengal having come to realize its power as a makeweight in the Legislature, through which it had installed Sir Nazimuddin in the Bengal Ministry, turned its attention towards the Calcutta Corporation. The Corporation is a small Province by itself having an income of nearly 4 crores of rupees. Its headship has been for long the coveted object of conflicting factions and the Calcutta branch of the European Association selected the Corporation for their attack in respect, in particular, of conservancy and water supply, the mismanagement of both of which, they alleged, constituted a menace to public health—alike of the civil population and of the troops. Accordingly they invoked the operation of sections 15 to 18 of the Calcutta Municipal Act and demanded of the Bengal Government that the carrying out of such obligatory functions be placed in reliable hands.

The truth of the matter was that the Corporation, whatever its defects might have been at other times, suffered under peculiar disabilities when the charges were brought by the European Association. Its lorries were requisitioned for the Military and it had no conveyances to convey refuse and excreta outside the town. The machinery of water-works required coal and the concerned authorities failed to supply the agreed amount. At a time (19th July, 1943), when the Corporation should have received 250 waggons for the conveyance of coal, they received only 30 waggons and the fear was expressed that unless prompt measures were taken, the filter water supply to the city of Calcutta might have to be suspended, there being on that date only 17 days' supply of coal. The Calcutta Europeans were not content with that much of criticism. They took the Corporation to task for the unseemly sight of people picking food from dustbins, beggars prowling about the streets and dead bodies of waifs and strays lying on the footpaths unremoved. Removal of a dead body of course required a lorry as much as the removal of filth. The scarcity of food drove the starving to the dustbins, while the starvation in the villages drew the beggars to the city. The Europeans, if they had the imagination, could have readily seen that all these unseemly sights and scenes arose from the war situation over which they themselves would grow eloquent.

### Local Government in England

Here is an interesting account of Local Government in England, under a political democracy which is not also an economic democracy. Councils are continually corroded as iron is by water. Direct corruption (ordinary jobbery) and indirect corruption (the provision of no services or bad services to oblige private interests) will continually attack them. They can only be protected by an anti-rust paint—the interest of the voters. A good Local Govern-

ment is a direct companion of a good poll. A 30 per cent. poll is nothing unusual ; indeed it is rather good even on an up-to-date register.

A map of local authorities judged from this angle appears designed to thwart the visitors and destroy their interest in Council's proceedings—especially in large towns. Plymouth—not open to this criticism—rouses interest and loyalty—allows control of transport and schools—gas and electricity. Rival boundaries do not cross its services and make them complex and expensive, compared with Manchester broken up into Salford and other parts of the City cut off under other names. Town clerks—Halls and Councils are dotted round it like the planets round a Lunatic sun, which prevents large plans and reorganisation.

## Elections.

The reactionary legislation of Government in declaring seats on elective bodies as forfeited on account of the imprisonment or even the detention of members thereof or the supersession of such bodies and later the restoration of the elective right to the voters created the need for periodical elections throughout India off and on. Two such examples are replete with interest. In respect of fifteen seats, elections were held in Bombay City and in respect of twenty-four seats, in Bangalore City in the month of November 1943, with the remarkable and instructive result that all the latter 24 and former 15 fell to the Congress candidates. In Bombay, several devices were tried of putting up Hindu Mahasabha candidates, and candidates from the Scheduled Classes and the League but not not one of them succeeded. And what was more, all the successful candidates were the original sitting members.

Naturally enough the Mayoral election occasioned by Dr. Gilder's detention which deseated him on the Corporation went to a Congress candidate—Mr. M. R. Masani of the Congress group. There was ethical justice, undoubted and well-deserved in the return of this young Congressman to the Mayoralty.

## Khaddar.

In the onslaught of Repression, Khaddar and Khaddar Institutions came in for their full share of Government's ire. One should have thought from the meticulous care taken to keep them untouched by politics, that this beneficent item of the Constructive Programme of the Congress would have been left untouched. Not that those working in the All India Spinners' Association and its affiliated institutions did not on occasions and at times and in places, choose to offer Civil Disobedience but that it was enjoined on them that if they ever chose to do so, they must resign their posts and positions, close their Provident Fund accounts, claim no lien on their posts and then take part in the movement. This rule was strictly applicable to both the Individual Civil Disobedience and the mass movement. But hardly any time or opportunity was left to the workers and so inoffensive, scrupulous and disinterested a worker as Shri Krishna Jaju, the Honorary Secretary of the Organization who was working directly under the President, Gandhi, and who had declined the offer of the Chief Ministership of the Central Provinces in 1938, he too was booked along with the politicals and was released only after two years' detention. The whole movement particularly in the Provinces of Bihar, Bengal and U. P.—which has produced 5 crores worth of Khadi and employed some lacs of artisans, was disorganized and in the days of famine and pestilence, of want of cloth and shelter, of floods and epidemics, the only means of suste-

nance open to the helpless women and skilled weavers was taken away. Sale shops and production centres were declared unlawful bodies and closed down. Khaddar worth lacs of rupees was attached, sealed and left to meet with its own fate.

At a time when cloth was scarce, let alone prices, when imported goods had disappeared, it was extraordinary that Government should have shut out from work the few indigenous institutions that Congress had been striving to bring into existence through its own unaided efforts. The declaring Lillegal of hundreds of production centres and depots of Khaddar—notably in Bengal and U. P. was easily the worst thing Government could have done. If they thought it necessary they could have taken over the institutions and worked them under an ordinance or the Defence of India Act. If Government could threaten the spinning and weaving mills of Ahmedabad and compel them to reopen after they had been shut for over 3 months, they could easily control Khaddar and Village Industries' Organization. Instead, they arrested the head of the Village Industries' Organization and wanted to book him through a Special Court. When the head was arrested and would not be let out on bail, the C. P. Government declared as unlawful associations the bodies known as the Gram Seva Mandal, the Satyagraha Ashram and Gandhi Seva Sangh functioning at Nalwadi and Paunar in Wardha Tahsil on June 30, 1943.

In Bihar a particularly reactionary policy was pursued :

In reply to a letter from the Bihar branch of the All-India Spinners' Association requesting Government to release its funds seized in August 1942 and to allow the organization to carry on its activities throughout the province, the Chief Secretary of the Bihar Government says that the Provincial Government are prepared to accede to the request, subject to certain conditions. The conditions are that the Bihar branch of the A. I. S. A. and the "Khaddar Bhandar" must work under the supervision of District Magistrates, who will have the right to inspect the premises periodically and examine the account books, etc., and will also have authority to prescribe the manner in which the fund is to be released are spent. "Khaddar Bhandars", were permitted to be opened by the District Magistrate, must be in charge of approved persons, who will be personally responsible for abiding by the conditions imposed.

The Bihar Government rejected the request of the Bihar Branch of the All-India Spinners' Association to function as manufacturers, etc., in Bihar, and to return articles worth several lakhs of rupees forfeited by Government. Government further decided to sell stocks of cloth and yarn belonging to the Association through the Director of Industries or recognised agents.

As many as 19 institutions, belonging to the All-India Spinners' Association and several other similar organisations in different parts of Bengal, had been declared unlawful; stocks of Khadi and cash found in possession of 27 such institutions had been seized, their value totalling more than a lakh of rupees.

The Associations in question included the All-India Spinners' Association, Khadi Pratishtha and Abhoy Ashram.

"Stocks and money seized," Sir Nazimuddin said in reply to a question put to him in the Bengal Legislative Council, "were in the custody of the Government except for such articles of clothing, etc., as were requisitioned and used for the relief of distress in the areas affected by the cyclone and tidal wave of the 16th October, 1942. The value of stock seized amounted to Rs. 99,201-7-3 and the cash money seized including bank deposits totalled Rs. 4,994-14-1½." Sir Nizamuddin could not say when these would be returned to the

associations concerned. The question of their refund would bedecided when the Government chose to lift the ban.

The Chief Minister did not agree to consider the desirability of removing the ban or those institutions.

Reviewing the working of the All-India Spinners' Association from July 1942 to January 1943, Mr. V. V. Jerajani, Acting President of the Association observes that during the year (1941-42) the production of Khadi in India had reached the highest level, being worth nearly a crore of rupees. The work was carried out in about 15,000 villages, more than 3. 5 lacs of artisans being employed either whole-time or part-time and over 50 lacs of rupees being paid to them in wages.

Encouraged by the results achieved during the past year, a comprehensive plan of increasing production and intensifying the programme of self-sufficiency was chalked out at the close of the year. At the beginning of the new year, the A. I. S. A. had total funds to the tune of nearly fifty lacs of rupees. Experience had shown that these sufficed to give a turnover of only about a crore of rupees and while to meet the increased demand long-term loans were being taken and arrangements were also well-nigh in hand to collect a sum of at least rupees ten lacs by way of donations on the occasion of Gandhi Jayanti, destiny had something different in store. While in pursuance of this decision, the provincial branches were busy recruiting more staff for re-organising work so as to intensify self-sufficiency programme and to have a record production of commercial Khadi, they were taken aback when the Government of Bihar issued the following *communique* on the 9th August, 1942, which almost put a ban to their humanitarian activities in that province.

"Whereas the Governor of Bihar has reason to believe that that All-India Spinners' Association—the Khaddar Bhandar,—the Bihar Provincial Committee, has in its custody moneys, securities and credits which are being used and are intended to be used for the purpose of an unlawful Association—, Now, therefore, the Governor of Bihar in exercise of the power conferred by sub-section (5) of Section 17-E of the Indian Criminal Law Amendment Act (XIV of 1908) hereby prohibits the said All-India Spinners' Association, Khaddar Bhandar, Bihar Provincial Committee from paying, delivering or transferring or otherwise dealing in any other manner whatsoever with the said moneys, securities and credits save in accordance with the written orders of the Government of Bihar."

"It is strange that the Government of Bihar should have thought it fit to issue the *communique* on the very day when action was taken against Mahatma Gandhi, the members of the Working Committee and other leaders of the Congress. That Khadi work which had so far received the active support of many Provincial Governments should be looked upon with suspicion is really a matter of surprise. The Governments of Bengal, U. P., and Orissa closely followed the example of Bihar and ruthlessly suppressed our work there. Our provincial branches of Rajasthan, Gujarat, Punjab, C. P. and Maharashtra and Assam have not been spared too, though the interference there has not been as severe as in the former four branches. We have not had reports of any interference of the type by the Madras Government in our provincial branches of Kerala, Tamilnad and Andhra and by the Bombay Government in our provincial branches of Karnatak and Bombay. We find that the work in these branches has not been disturbed on that account.

Many of our branch secretaries and some senior workers were either taken away on the 9th itself or a few days thereafter even without their having taken any part in any activities declared by Government as unlawful. Arrests

are going on even to this day under the various Defence of India Rules. This is not all. Bhandars and centres have been ordered to be closed down and sealed and stocks have been seized. At many places the stocks have been set fire to. Simultaneously, the Government have released stocks at some places but at the same time have imposed a ban on our functioning in these areas. Such an attitude on the part of the Government is un-understandable.

As a result of Government action, our work has practically stopped in branches of Bengal, Bihar and the United Provinces. More than 400 centres have closed down directly or indirectly due to such action. Production work has declined from about Rs. 8 lakhs per month to about Rs. 4 lakhs per month and approximately a lakh and a half artisans have been estimated to have been thrown out of employment. On the basis of the previous year's figures when about 5 lakhs of rupees were being paid every month to the artisans."

The Director of Industries, C. P. and Berar informed the Agent, C. P., Maharashtra Charkha Sangh, that the Provincial Government has cancelled the provision of Rs. 12,560 which was made from the current year's budget as a grant-in-aid to the All-India Spinners' Association for the encouragement of hand-spinning and hand-weaving in the rural areas for the payment to C. P. and the Maharashtra Charkha Sangh.

Attention may be drawn to a Spinners' Association suit in which decree was given for the plaintiff in Calcutta on March 27, 1944.

"Judgment has been delivered by Mr. A. S. M. Latif-ur-Rehman, Chief Judge, Small Causes Court, Calcutta, in the suit brought against the Province of Bengal by the All-India Spinners' Association, the Corporation of Calcutta and some employees of the Bengal Branch Office of the Association, in respect of the properties seized by the Commissioner of Police following a search on October 11, 1942, at the office, godown and shop of the Bengal Branch of the All-India Spinners' Association located at the College Street Market.

"When by a notification dated the 4th March, 1943, the All-India Spinners' Association, Bengal Branch was declared unlawful, the Commissioner of Police prepared a list of articles seized and called upon any person claiming that any article was not liable to forfeiture. Thereupon P. D. Himatsinka and Co., Solicitors, for the Trustees of the Board of Trust, All-India Spinners' Association, claimed certain goods as belonging to the All-India Spinners' Association, Bombay, the Corporation of Calcutta claimed the ownership of the fixtures and certain employees of the Bengal Office of the Association claimed certain articles as their personal belongings.

"In course of his judgment, the Chief Judge decreed that as the All-India Spinners' Association, Bombay, was not declared to be an unlawful association, and had been conducting the affairs of the branch in Bengal, the former is entitled to the goods seized.

"The claims of the Corporation of Calcutta and the employees were also allowed. As regards the pamphlets etc., and magic lantern slides found in the premises, the Trustees gave up their claim.

"The Judge dismissed the contention that the sale proceeds of the goods might be used for unlawful purpose, as the goods were in custody of the police."

## Reaction in Congress Circles

Whenever the non-co-operation movement manifesting itself in all its grimness, tended to drag its weary length as in 1932-1933 or met with a premature end as in 1921, the Congressmen left behind or released earlier have

always concerted measures to divert the movement's course along the traditional, so-called constitutional channels. When in February 1922, Gandhi resiled from the projected mass movement, Deshbandhu Das conceived the alternative plan of Council-entry and non-co-operation from within. In 1934 again Gandhi himself suspended the movement and once again the contest of the Central Assembly elections held the field. Later in 1943, when time after time, the trio of Churchill, Amery and Linlithgow harped upon the same string of withdrawal of the past, regret and co-operation for the present and guarantee for the future, it was no wonder that younger men should have thought of resolving the deadlock by offering partial co-operation. This was taken up at the East end by Jivanlal Pandit who brought forward the problem of food as constituting an additional factor while from the West end it was responded to by Mr. Munshi to whom the changed war situation presented a new circumstance. There were not wanting Congressmen in higher circles who viewed the chage of programme by no means in an unfriendly spirit. But the time was enough to see things in their true light.

At the end of June (1943) a proposal for resolving the political deadlock was being sponsored by a group of Congressmen in U. P. and support was being canvassed for the same among such members of the All-India Congress Committee as were out of jail. Mr. Gopinath Srivastava, former Parliamentary Secretary and member of the A. I. C. C. recently released from prison, who prominently associated with this move in an explanatory statement *inter alia* said :

"We hold that in the enforced absence of Gandhiji the power of reviewing the situation rests on the A. I. C. C. and in view of the resolution of August last being used as an excuse by Government for indefinite continuation of the deadlock, we suggest that such members of the All-India Congress Committee as are out, and we believe they exceed the number required for constituting the quorum, are in their collective capacity constitutionally competent and should in view of the present situation in the country, suspend the resolution till such time as the All-India Congress Committee can meet formally and regularly, and review the situation in the light of past events and present needs."

In 1922 the issue was whether to continue Civil Disobedience or not. A roving committee was appointed and its recommendations equally divided between the two schools, ultimately resulted in Civil Disobedience being withdrawn and in paving the way for the Swaraj Party. The party which had only permissive authority in 1923 soon gained ground and in 1925 became an *auras putrika* of the Congress not its step-child or adopted child. By 1929, Motilalji who was the sole legatee,—for Deshbandhu died in June 1925,—and burden bearer of the new policy became disgusted with the Council strategy as well as tactics and pressed Gandhi for the walk-out from Legislatures. How the Council front came up once again first in the Central Legislature in 1934 and then in the Provincial bodies after the Act of 1935, how it fructified into ministry formation under the protection of the Viceroy's assurances and how the new career came to an abrupt end in 1939 (October-November) in resignations of ministries, are facts far too fresh in public memory to require reiteration. The rot had set in, in the branches of the Congress tree and lest it should destroy the tree root and branch, the diseased branches and boughs had to be cut off. The tree required to be shaken to its roots once again so as to ærate the soil and like the cocoanuts which were badly shaken seeming almost to the point of death by a mighty storm in May 1925 in South India but after 3 years bore double and triple the former fruit, the Congress tree which appeared

withered and dried up in the eyes of Srivastavas, Munshis and Jeevanlals, was to the men of faith and vision doubtless destined to put forth new leeves and blossom, flower and fruit betimes, yielding a tenfold outturn in good time (9-7-1943).

After the lapse of eleven months from the Bombay Resolution, it was indeed strange that any single member of the A. I. C. C. outside the jails should have dared to think of revising the proposals of August 1942 without the authority of the Generalissimo. Nor was it possible for the A. I. C. C. which was a proclaimed body equally with the Working Committee and the Congress Committees, to meet and deliberate upon the question which it had no moral right to meddle with and which in addition it had thus no legal scope to consider. Moral myopia oftentimes induces physical shortsightedness as well !

Public opinion, however, soon hardened itself against the meeting of the proposal to convene a meeting of the A. I. C. C., against the revival of the All-India Swaraj Party and against the so-called League Ministries in all provinces. This vigorous protest emanated from one whose wife Shrimati Savitri and whose younger brother were in jail, the former ill in a hospital in addition. He maintained the good name of his family in making this timely protest. Shree Kamal Nayan Bajaj, the elder son of the dear departed Jamnalalji sprang into the arena to condemn these several proposals in language alike firm and courteous. He exposed the constitutional incorrectness of the proposed A. I. C. C. meeting—its futility *vis-a-vis* the British Government, and its reflection upon the question of confidence in Gandhi. He cited the forcible dismissal of the late lamented Allah Bux of Sind and the forced resignation of Mr. Fazlul Huq of Bengal as examples to prove the infructuousness of Parliamentary programme under the conditions and exhorted those who were outside the jails to do their best for the social and economic welfare of the people suffering from want of food and clothing, although he was somewhat wide of the mark in hoping that much could be done by the leaders outside meeting in this behalf for the food problem was the pivot of the military phase of life and nothing could move it unless power rested in the hands of the nation. He was soon followed by the Ex-Premier of the North West Frontier Province whose voice emerged loud and clear from the frontiers of India resounding from the fastnesses of Kabul.

The game of the British Government has always been to dangle before the country a constitutional programme. And the Congress has been tossed about between its revolutionary objective and its constitutional temptation. During the transitional period, its position proved a difficult and delicate one. It resisted such participation at the outset. Indeed the new era of Non-co-operation took its name after such a decision. But those who had long been accustomed to fight on the intellectual plane yearned for it. In 1923, they re-embarked upon the Council Programme practically under protest—calling themselves Swarajists. Then in 1926, the Congress itself adopted the Council Programme. After the Salt Satyagraha movement of 1930 and its sequel in 1932-1933, the Council Programme again raised its head in 1934 and Gandhi himself for well known reasons suspended Civil Disobedience. The Council Programme, it was said then, came to stay. It not only came to stay but came to be developed from an obstructive or opposing character to the constructive quality ending in Ministry formation. The outbreak of the war after 27 months' duration found a break once again in the programme. But it must be remembered that it was not a breach of the Council Programme but it was a breach of the Ministry programme. The Members of the Legislatures had not resigned. They may resume their places any moment under suitable

conditions. To speak, therefore, of the revival of Swaraj Party was devoid of meaning. It could only imply formation of Ministries by the Legislature—through a combination of the parties while the Congress leaders and a good number of the Congress members of the Legislatures were in jail. Such a change of programme was viewed with withering disdain and very rightly by responsible Congressmen.

### Reactionary Policy in Provinces

How far and how low the bureaucracy could go in creating unequal fights in the plane of elections is evidenced by the order of the Commissioner of Police, Madras, prohibiting election meetings on behalf of the Congress candidate, Shri G. Rangayya Naidu who was selected to contest the seat in the Central Assembly created by the demise of Mr. Satyamurti. The Congress being an 'illegal' body could not hold public meetings. When people sought the permission of the City Police authorities for holding election meetings to support the candidature of the Congress candidate Mr. Gadde Rangayya Naidu in the bye-election to the Central Legislative Assembly, the Police Commissioner refused permission, quoting his order, dated August 24, 1942 by which meetings or processions of several Congress Committees or other supporters or sympathisers were prohibited in the City of Madras. The Justice Party candidate apparently had full freedom to do his election propaganda. The democratic right of election was sought to be reduced to a farce by this continued deprivation of civil liberties. And when four young men were taking placards of election for pasting, they were arrested for forming a procession without license. A procession indeed! For which they got a sentence of Rs. 15 each for two and Rs. 10 each for the other two. The effect of the order was to disadvantage the Congress candidate. The wonder was how the electorate which is used to meetings, processions and demonstrations in connection with elections could rise to the height of polling in favour of a candidate who not only represented the Congress but was being fought not less by Government than by a rival candidate. The result was even better than expected.

| | | Votes. |
|---|---|---|
| G. Rangayya Naidu (Congress) | ... | 4,658 |
| T. Sunderarow Nayudu (Justice) | ... | 1,508 |
| Invalid | ... | 195 |
| Total | ... | 6,361 against 16,000 votes in the Constituency. |

The election in Madras which was to come off on 5th June could not be benefited by a challenge in Court between the 28th of May, 1943 and the 5th of June, 1943. Moreover the Congress as such was not proclaimed an illegal body and the order in reference to which the application was virtually rejected being dated 24th August, 1942 was found invalid by a court of law.

The validity of a general order prohibiting meetings and processions against not merely members of any of the prohibited organizations but against any other supporters or sympathizers in the City of Madras is open to serious doubt in law. Exactly a similar case of a general prohibitory order was passed in Chittore. Mr. Rangayya Naidu also applied personally for permission but was asked to state whether he was a member of any of the Congress Committees, mentioned in the Prohibitory order dated the 24th August, 1942 and when the former refused to answer it, he was told by the Commis-

sioner of Police, Madras, that in the absence of a definite answer to the question, no order could be passed on his application for permission to hold election meetings.

The very procedure adopted by Government proved the strength of the Congress candidate who defeated the Justice Party candidate by a handsome majority. What would have been the difference if propaganda and electoral meetings and placarding had been permitted, it is needless to speculate upon. Suffice it to say, Government were hoist with their own petard and the result of the Madras election clearly explains the wisdom, not justice of U. P., Bihar and Madras all giving up the projected elections of the Upper House to seats made vacant by rotation. There was real fear in Government's mind that Congressmen might succeed. Only two months earlier, the Mayoralty of the City of Bombay was contested by Dr. Gilder from inside the jail and he won the place easily.

Babu Shyam Pada Bhattacharjee, detained as a security, prisoner was elected unopposed as Chairman of the Berhampore (Bengal) Municipality in March 1943 while in 1941 Mr. A. Satyanarayana of Palakole who was convicted in Individual Civil Disobedience movement was elected to the Central Assembly, Delhi, from Andhra Desha unopposed. These were an eye-sore to the Bureaucracy which was driven therefore to all kinds of subterfuges in order to drive the Congress out of the field of Elections.

## CHAPTER XXIX

### Response From the Press

The reactions to the Indian movements in Britain and America have been studied in the foregoing pages and in India the reactions of the different communities and certain notable individuals have also been referred to. The appeal made by Gandhi in Bombay on the 8th August in the following words to the Press was effective. (1) "The Press should discharge its obligations and duties freely and fearlessly and not allow itself to be cowed down or bribed by Government. Let the Press be ready to be closed down rather than allow itself to be misused by the authorities ; and then to be prepared to sacrifice their buildings, machinery and big establishment. Let the Press disown the undertaking given to Government by the Editors' Conference Standing Committee. Let that be their reply to Puckle Sahib. Let it not sacrifice its self-respect and submit to humiliations." Almost the first stroke of the Repressive Axe has fallen on the Press—that potent instrument alike for good or for evil which in the modern day shapes (or mis-shapes) public opinion, and represents (or misrepresents) Truth. What should be published and what not, has been categorically stated by Government in their Ordinance published on the 9th August, 1942. The Press was taken aback by such a notification. It felt like a person accustomed to swim freely in the flowing waters of a river who is now bound hand and foot, who is blind-folded and then asked to negotiate the eddies and rapids of the river in its freshes or the ebb and flow of an unprecedented tidal wave. It was but to be expected that the Press should look before leaping into these treacherous waters. The Executive of the Journalists' Association of India lost no time in meeting in Bombay (August 23) and disapproving of the restrictions 'recently' placed on the Press.

A war is an unnatural event and disturbs the tranquillity and the rule of Law alike the zones of battles and abroad. "With the intensification of the war there has been a corresponding enlargement of governmental power and control until now the lives we lead are prescribed for us by decree" said the President of the Australian Newspaper Proprietors' Association at Sydney on November 10. ".....I do not want it to be thought that I am suggesting that this Government is better or worse than its predecessor, or that it is inspired by improper motives....But.. . there is an increasing use of censorship for purposes for which it was never intended I think, to the public detriment.....If you deny newspapers the facilities for getting news or the machinery for distributing it, then you are exercising powers of suppression just as effective as censorship.....Freedom of the Press means freedom to say and to write as you please....." It was, however, no solace to India that other countries suffer equally under the iron rule of the Press Censor.

The problem of the Press has been succinctly stated by Robert Lasch. "The fact is that the Press will become free when its owners permit it to become free. What the Press in America (and in India) needs is a Constitutional Revolution—a transfer of power from publishers as Kings to publishers and Editors as Prime Ministers. Instead of waging war against an enemy without, the newspapers would do well to take steps against the enemy within. They would "do well too to take warning from the widening gulf

that separates the conception of Freedom held by themselves and that held by the people." In these dicta, Robert Lasch 37, Rhodes Scholar and Fellow, Educational Writer, Chicago *Sun* (Left Wing) won a 1,000 dollar prize for an article on Freedom of the Press offered by *Atlantic* Monthly. This salutary advice may well be made the guiding counsel for the Press in India as united action on its part would help to relax the rigidity of Press controllers in the West or the East.

Let us glance at some of the salient points in the development of the freedom of the Press. To Milton the new Presbyter was but the old Priest in disguise who wanted to use the censorship of book to stop the spread of sectarian ideas. Moreover he had published with license,—pamphlets in favour of Divorce and was in danger of prosecution. He therefore prepared a petition to Parliament and called it *Areopagatica* in which he appealed to the freedom of discussion in Athens and the Free Republic of Ancient world. He sets out in it the fundamental causes why a Free Press is registered. The censorship disappeared after the Revolution of 1688 and no longer did the public executor burn books on the site of Charing Cross as in 1643.

Edward Thompson gives an illuminating glimpse into the progress of the Press in India in his study of Metcalfe.

"In India Metcalf liberated the Press as Governor-General and it angered the Directors and that powerful immoveable mass, the retired officials.

"It was not the Indian press that he liberated but the British Press in India, which existed under a "cat and mouse" regime in its first days under James A. Hicky, in Warren Hastings' time. Physical violence was the main check in its scurrility and irresponsibility. Calcutta society, very tolerant of immorality and indecorum, disliked frank commentary on its doings, and Hicky was frequently assaulted. As the century ended, Lord Wellesley presiding over a great crisis which permitted the intervention of no scruples and complications (luxuries in any case not much in his time) tighten up control. Journalists had leave to write what he approved, if they work otherwise, they left India. Lord Minto carried the Government progressively obscure attitude still further. "This dread of the free distribution of knowledge became a chronic disease. It was our policy in those days to keep the natives of India in the profoundest possible state of barbarism and darkness, a policy which operated outside the Company's own territory. For example the Nizam expressed a fleeting curiosity as to European machinery and his Resident procured him an air pump, a printing press and the model of a man-of-war. The Resident mentioned to his own Government what he had done and was rebuked for having put such explosive stuff as a Printing Press into a native Prince's hands. He hastened to defend himself saying that the Nizam had shown no interest in it and that if the Supreme Government wished, he could sneak into the State Toshakhana and secretly sabotage the Press for ever. In 1818, the Calcutta journal was started and from the first, was a safety valve for any disgruntled civilian (or more commonly, soldier). The Press considered officials its proper game, and the leading members of Government nursed in the lap of despatches, resented mockery of their foibles and weakness. Lord Hastings with disdainful good temper refused to take action. But his temporary successor John Adam, one of the best, purest and most benevolent men that ever lived actuated by the most upright and conscientious motives, soon found the opportunity for which his hands had been itching from a long time. James Silk Buckingham, remarkable man and light hearted humourist, came to India and found official jobbery amusing. Some imp sees to it that when the Indian Government takes vigorous action, it usually

selects ground idiotically. Adam losing his head over offences which most people thought no offences at all but gloriously justified comment, was deported. Buckingham, made regulations, March 14th and April 15th (1823) which gagged the Press, *i.e.* the British Press. There was no Indian press yet that dared to speak with any frankness and the Government had no legal right to deport anyone whether Indian or Eurasian who was a native of the country.

The British community was resentful and was not altogether mollified, when Lord Amherst let the Regulations sleep. Bentick followed and the liberty which Amherst had allowed, received an immense extension. The Press was flooded with abuse of the Governor-General who received it with contempt and even thankfulness. He cared that much, he used to say with his snap of the fingers for what critics said. Also he regarded Press as the most valuable section of his intelligence department, giving him more information than any other source. Metcalfe entirely agreed with him.

Malcolm was driven into frenzy by criticism and wrote that there could be only one opinion as to censorship.

> "Though a great tolerative man, I have limits which gentlemen quite understand, cannot be pressed with impunity.....Your Calcutta Journal is a boiling pot of Hotchpotch which differs from everything else and it is full of swells down to Printers' Devils. He was wrathful that the India House Debate and pamphlets should be reprinted in Bengal 'till people think we are carried far beyond Leaden Hall Street or Common Law, in repression of speech in India."

The fourth estate of the Government of India has been as much its opponent as its supporter. In a subject country which has awakened itself to a national consciousness, it is not to be expected that the Press would play second fiddle to the vagaries and aberrations of the bureaucracy that really rules the country, any more than the elected elements in the the Legislature. The Press in India came under the ire of Government even before the birth of the Congress, having been gagged by the Vernacular Press Act of 1878 during the time of Lord Lytton. From that day to this that wing of the press which is conducted in Provincial languages has been a source of greater dread to the Britisher than the other wing conducted in English. Although the Act of 1878 was repealed early enough, yet the policy of repression, not merely of the politicians but of the Press, weighed heavily upon the Press of India through the Section 124-A (passed in 1897) relating to sedition with its new and all-pervading definition, Section 153-A relating to promotion of class hatreds and antagonisms and through the Press Act 1910, preceded by the Newspaper (Incitement to Offences) Act of 1908. The Law of security deposits varied with the old and with the new newspapers. In the first quinquennium of these Acts 991 Presses and papers came under its axe, the action taken varying from warnings administered to a fourth of them to heavy securities and forfeitures affecting the remaining. Such securities demanded at the very birth nipped in the bud 173 new presses and 129 newspapers, while 70 newspapers and presses started since 1910 came under heavy penalties. In 1921, along with a number of Repressive measures, the Press Act was repealed and when one devil was expelled, seven more devils entered the body politic. This time it was the protection of the Princes and the States that held the field. The Indian States Protection against Disaffection Act and the Princes Protection Act came presently into being.

We had a respite for seven or eight years and as soon as the Salt Satyagraha was begun. began also the rule of Ordinances and almost the first Ordinance passed was the Press Ordinance (Ordinance II of 1930) which exacted a toll of Rs. 2,40,000 from 131 newspapers during the first 6 months of its relentless sway and was followed by the Indian Press Emergency Powers Act. It is of interest to know that the maximum demanded of a single journal went up to Rs. 30,000. But the horror lay not in the deposits paid but those incapable of being paid. About 450 newspapers failed to deposit the security. In the year 1935, action was taken against 72 newspapers and a total security of over a lakh was demanded. Only 15 newspapers furnished the required security. In World War II, we had the Defence of India Act in addition. According to the All-India Editors' Conference, in the month of August 1942 alone, 96 journals were either suspended or suppressed in India during the latter 3 weeks. In the Madras Presidency, 17 Dailies ceased to exist and a Weekly. In Bombay 6 Dailies, 10 Weeklies and five Monthlies ceased publication. The history of the formation and development of the All-India Newspaper Editors' Conference has been dealt with in the part dealing with Individual Civil Disobedience 1940-41 (Press Section) The Standing Committee had to face in the disorders of 1942-43 delicate and difficult situations and fight many a hard battle to uphold their right as Editors and their duty to the public in the matter of the nation's activities. It had to function in fact as the agent of the Government keeping watch over its members and bringing them to book summarily at times. It soon found itself in a situation not too happy and naturally gave occasion for comment and adverse criticism from a section of the suppressed newspapers which could not, with self-respect, abide by Government's conditions or its vagaries. When a gentlemen's agreement is not adhered to, there is often more trouble than when there is a breach of a written treaty or contract. The trouble takes a moral plane rather than a legal one. The latter has remedies in courts, the former cannot seek any tribunal other than the inner conscience of parties. And it is only when the still small voice within, (of the conscience) is suppressed that moral aberrations come into being and gentlemen's agreements are deviated from. The A. I. N. E. Conference had to tide over such trying situations.

The 'blitz' that descended upon the nation on the 9th August began outwardly with the arrest of Gandhi and tens of his colleagues but prior to that the Press order was made ready on the 8th of August and forbade the printing or publishing of any factual news relating to the mass movement mentioned by the All-India Congress Committee or to the measures taken by Government against that movement, except news derived from official sources, A. P. I., U. P. I., or O. P. I. or registered correspondents. In this connection the following communications from Government of Bombay to Editors of Newspapers would be of interest. It was preceded by a telegram to the President, A. I. N. E. Conference.

"Confidential, *Urgent.* P. W. D. Secretariat, Bombay, 4-8-1942.

Dear Sir,

In connection with the mass civil disobedience movement referred to in the Congress Working Committee Resolution, I am to inform you that while there is no desire on Government's part to restrict discussion of the constructive portion of the resolution and interpretation of the Congress Party's viewpoint, it is most undesirable that support should be given to a movement which, in Mr. Gandhi's own words, would be tanta-

mount to "open rebellion" and which has yet to be formally approved by the All-India Congress Committee. In your own interests, therefore, I advise you to refrain from giving publicity to statements and articles which contain direct or indirect incitement to support the threatened movement and/or which are intended to further the plans of those who are instigating such a movement.

2. I am to remind you that as the avowed object of such a movement would be the embarrassment of the administrative machinery of Government, it would inevitably hinder the prosecution of the war and support of it in the press would therefore be a clear contravention of the various undertakings given by the All-India Newspaper Editors' Conference.

To
All Editors of Newspapers
in Bombay City.
(True Copy).

Yours faithfully,
(Sd). Hyam S. Israel,
Special Press Adviser.

We may refer also to an Editor—communication from Government to the A. I. N. E.

## ALL INDIA NEWSPAPER EDITORS' CONFERENCE

*Confidential.*

Kasturi Building, Mount Road,
Madras, 31st July, 1942.

Dear Friend,

I invite your attention to the following telegram received by me last night from the Government of India, Home Department and shall be glad if you will communicate contents to other papers in your area.

"Srinivasan President, All-India Newspaper Editors' Conference Hindu, Madras.

We have seen much in press of late which can only be construed as direct incitement to mass movement against Government. We would remind you that terms of Delhi Agreement preclude support by Press of any movement which must inevitably seriously hinder prosecution of War. We would be glad if you would consider immediately notifying all members of Editors' Conference and Conveners of all Provincial Committees to this effect—Home."

Yours sincerely,
(Sd). K. Srinivasan.

The Central Government by an order dated August 29, cancelled its order of August 8 so far as it applied to editors, printers and publishers in the province of Delhi. The order of August 8, prohibited the printing or publishing by any printer, publisher or editor of any factual news relating to the mass movement, sanctioned by the A. I. C. C. or to measures taken by Government against that movement, except news derived from official sources or the news agencies or a correspondent registered with the District Magistrate. Simultaneously with this Home Department order, the Chief Commissioner, Delhi, issued the following order : "Whereas the Chief Commissioner is satisfied that for the purpose of securing the public safety, the maintenance of public order and the efficient prosecution of the war it is necessary to make the following order :

"Now, therefore, in exercise of the powers conferred by sub-rule (1) of rule 41 of the Defence of India Rules the Chief Commissioner is pleased to make this order and to address the same to printers, publishers and editors generally in the Delhi Province.

(1a) Requiring that all factual news, photographs and pictures relating to the mass movement sanctioned by the All-India Congress Committee in its meeting in Bombay on August 8, 1942, the demonstrations and disturbances which have taken place in various parts of India since that meeting, the measures taken by the authorities to deal with that mass movement and those demonstrations and disturbances, and the trial of all cases arising out of that movement and those demonstrations and disturbances, shall, before being published in any newspaper or other document, be submitted for scrutiny to Lala Savitri Prasad, Assistant Press Adviser, Delhi or other officer appointed by the Chief Commissioner for the purpose; and (b) prohibiting the printing or publishing in any newspaper or other document of any matter specified in clause (a) above unless it has been submitted for scrutiny as required by that clause and has been passed by the appointed authority as suitable for publication."

The Home Member had made a statement that an agreement had been reached between the Editors' Conference and Government on the prevailing system of compulsory scrutiny of all factual news in force in Delhi. This was denied by the Secretary of the Conference who said : "I am naturally surprised that two responsible spokesmen of Government should have made solemn statements in the two Legislatures which are contrary to facts, and unless contradicted, are likely to mislead the members and the general public."

The President of the Conference lost no time in sending a note to the Home Department which said :—

"The number and nature of restrictions seem to vary from province to province, and there is in consequence lack of uniformity as regards procedure. To mention only a few of these, the Standing Committee regard the registration of correspondents as designed to bring them completely under the control of local officials and close to editors all avenues of receiving impartial reports of events direct from their correspondents. Compulsory Press Advising, the restrictions placed on the number of messages relating to the disturbances, on headlines and on the space to be devoted to news of these disturbances, can have, in the view of the Standing Committee, but one meaning, namely, that Government seek, in the most comprehensive manner possible, to control at every stage not only the publication, but even the character of factual news.

A charge-sheet against "Press-Advising" was brought up before the Council of State on September 28, by the Hon'ble Pandit H. N. Kunzru who exposed Government policy and urged abolition of pre-censorship of news except for military needs. Pandit Kunzru moved the following resolution in the Council of State : "This Council recommends to the Governor-General in-Council that the restrictions imposed on the press which have given rise to serious dissatisfaction should be modified so as to take fuller account of the rights of the Press and the public and that, in particular, pre-censorship of news reports and statements should be abolished except in so far as it may be necessary for military purposes."

Hon'ble Pandit Kunzru said about the action taken against the Benares University :—

> "Not a word relating to this serious incident had been allowed to reach the public. Was there an iota of justice in this ? Government owed it in fairness to the Hindu community to allow the news to be published. The existing system of restrictions was working in such a way that the people and the Press felt that the Government of India were not merely controlling the publication of news which might be of military importance or tend to promote disorder, but also suppressing news relating to the nationalist movement and the excesses committed in suppressing the movement. They prevented accurate news relating to the state of things prevailing in this country from reaching America, China and Britain herself. That was the most serious charge that one could bring against the Government of India's policy. Without refusing to recognise the extraordinary character of the present times, he brought this charge against the Government. He hoped that the debate would immediately lead to a change in the attitude of the Government of India. He hoped that before long, the Government would realise they were creating great distrust and dissatisfaction, and by using unfair methods and preventing this country and the world at large from getting an objective and accurate picture of the state of things prevailing in this country. Government were turning against them even those who deplored the policy of the Congress."

The resolution was rejected by 23 votes to 9. Sir Richard Tottenham in the course of his reply stated :

> "About the news connected with the Benares Hindu University he personally believed it would not have been in the public interest at the time of its occurrence to publish it but he added the *Hindu* of Madras did publish it on September 15. As regards Mr. Gandhi's speech at the A. I. C. C. it did not come under the order to which he had referred concerning factual news relating to the disturbances or to the mass movement, and it might have been submitted for press advice by the press agencies, and it was probably the press agencies themselves—he was not sure about this—who decided not to publish the whole of the speech in the papers. Another point about this order was that it referred only to factual news. It imposed no kind of restriction whatever on editorial comment. In that important matter, Government did leave the entire discretion to the editors. Sir C. P. Ramaswami Iyer, the Information Member made it perfectly clear at a press conference that there was no ban of any kind on expression of political views as such."

The breach of the Delhi Agreement and the censorship working havoc on Indian Press by raising the bogey of "Enemy Within" were the subject of a severe indictment by Shri K. Shrinivasan who lengthily reviewed the work done by the Conference particularly during the year 1942 : "There is no question of our willing submission to any proposal which, in our opinion, is derogatory to the dignity of the profession or in any way prevents us from functioning as responsible newspapers."

For some time past, prior to the sitting of the A. I. N. E. Conference in the first week of October, there grew a feeling of restlessness among the suspended Newspaper Editors who held a separate conference in the middle of September under the Presidency of Shri Ramnath G oenka, Editor, the *Indian Express,* Madras and passed four resolutions unanimously. The third is :

"This Conference is of opinion that the Standing Committee of the A. I. N. E. C. has failed to give the right and proper lead to the Nationalist Press of the country and in the difficult situation in which it is now placed. It, therefore, calls upon the Conference to desist from all undertakings purporting to be given in the name of and on behalf of the Nationalist section of the Press. It also disowns all undertakings already so given."

The All-India Newspaper Editors' Conference concluded its session on October 5, after adopting the new constitution of the Conference and electing a new Standing Committee. It passed a number of resolutions protesting against the way in which censorship worked, the telegraphic delay in the transmission of press messages and the arrest and detention of working journalists. The Conference was opposed to any scheme of precensorship. Newspapers should be free to publish without previous scrutiny objective accounts of any incidents in connection with the 'mass movement' or disturbances. The Conference, however, considers it necessary that editors should exercise restraint in the publication of such accounts and should avoid the publication of anything which

(A) Incites the public to subversive activity;
(B) Conveys suggestions or instructions for illegal acts;
(C) Is an exaggerated report or unfounded allegation regarding excessive use or misuse of their powers by the police, troops and other Government servants or the treatment and condition of detenus and prisoners; and
(D) Retards the restoration of the public sense of security. Deliberate departure on the part of any newspaper from the general policy laid down in this resolution may be dealt with by the Provincial Governments in consultation with the Provincial Press Advisory Committees.

The various Provincial Governments in India beginning with Sind and ending with the Punjab accepted the Resolution.

The position of the Press became a subject of animated debate in the Upper House in its winter session and the occasion was a resolution tabled by Pandit Hridaya Nath Kunzru which asked for the removal of restrictions on the publication of news not relating to the war and in particular, news relating to the internal political conditions and the economic well-being of the people, and the adoption of a similar policy by the Provincial Governments. Mr. Cornan Smith, the Home Secretary thought the resolution too rigid and that it could not be accepted though Government were following a policy in accordance with the spirit underlying the resolution. The truth rather was that the resolution was not accepted because that was not the policy followed by Government. The complaint against Government was that they were preventing or penalizing the publication of news by the Indian Press, relating really to the internal political and economic situation, by wrongly invoking the Regulations drawn up for security considerations. Pt. Kunzru quoted individual cases to prove his point.

Regarding Provincial Governments, it was an open secret how the Central Government were running the political departments of the provinces on grounds of security considerations and yet it became a fashion to trot out Provincial Autonomy in the face of critics. Like charity, verily Provincial Autonomy covered a multitude of sins whether they related to the supply

of Food or the control of the Press. The revelations in May 1943 by Fazlul Huq, the then Chief Minister, regarding the affairs of Bengal, bear testimony to this charge. It is well known how the Department of Law and Order in 1942 was run practically by the Centre in relation to the disorders that then broke out. Mr. Cornan Smith had recourse to poor tactics when he cited the testimonials of bodies like the Turkish Mission to the freedom of Press in India. We all know how the proverbial cat cited the rat as its witness in self-defence.

In Britain certain lies were propagated about India and we take the following from the *Bombay Chronicle* Weekly:—Take a look at the *Daily Sketch* issue dated August 5, a facsimile of which appears on page 727. There is a five-column headline running right across the front-page, shrieking a lie to its million readers : "*Gandhi's India-Jap Peace Plan Exposed.*" To give colour to the story, there is a picture of Mira Ben, (Miss Slade) in the bottom left corner with the headline in big black type : *English Woman : Gandhi's Jap Peace Envoy.* The "Gandhi India-Jap Peace Plan" which the *Daily Sketch* has "exposed" is nothing more than a garbled report of the unauthorised minutes of a meeting of the Congress Working Committee that the Government seized in a raid on the Congress offices and published on the eve of the A. I. C. C. meeting in Bombay. The "exposure" failed to impress anyone in India and ultimately recoiled on Government's own head by demonstrating to the public how the utterly untenable position of the Government had to be bolstered up by such stunts. Indeed, it was made clear both by Mahatma Gandhi and Pandit Jawaharlal that there was not the slightest intention to do anything that would injure the cause of the United Nations, especially China and the Soviet Union. If Gandhiji projected the possibility of going to Japan it was the gesture of a great soul, a daring mission of the Spirit to convert those who had steeled their hearts and closed their minds. It might be futile. But to talk of it as the action of a traitor is a *Lie.* A deliberate, dastardly *Lie.*

"The *Sunday Dispatch* front pages a "cable from H. R. Stimson, *Sunday Dispatch* Reporter in Bombay, in which the following passages appear.

**Dance Girls.**

Pandit Nehru, who proposed the resolution denied that it constituted a threat to Britain. He said it was an offer of co-operation on the condition of Indian Independence.

At one stage, the proceedings were stopped, while a troupe of dancing girls were brought in to sing and dance to the Congressmen.

Much has been written already in the local press about this offensive report and Mr. Stimson (who, I am told, is a member of the staff of the *Times of India*) is obviously much worried about it. His defence is that the *Sunday Dispatch* people have garbled his original cable which contained nothing of the sort. To substantiate this he is prepared to produce the copy of his original cable and even get it verified by the Censor's office.

"Mr. Stimson has disclaimed the authorship of the cabled report. But in the same issue of *Sunday Dispatch* there is something else appearing under his name *and this he has not disowned* !

It is a feature article, "There is a Mrs. Gandhi" in the course of which he makes the following amazing statement—a statement which is a blatant lie and libel on Mahatma Gandhi who is made out to be a callous husband who would make his frail old wife walk three miles, carrying her bedding, while he

Facsimile of *Daily Sketch* referred on the previous page

himself goes away in a car. Describing the reception accorded to Gandhiji on his arrival in Bombay, Mr. Stimson writes :

> "After 15 minutes, when the platform had virtually emptied, a frail, wizened, bare-footed little woman dressed in a homespun cotton sari, peered timidly from the window of the same carriage. Unnoticed by anybody she gathered up her bedding roll and started walking three miles towards Birla House, the sumptuous hostel where Mahatma Gandhi was to stay. This was Gandhi's wife Kastur Ba and the incident was symbolic."

*Surely you can't get away with that, Mr. Stimson* !

A situation was created by the Provincial Government of C. P. prohibiting the papers of the province from publishing any news regarding Bhansali's fast which turned out to be a historic one, taking its origin as a protest against the incidents of Chimur and Ashti and extending over 62 days. This prohibition was a clear breach of the agreement reached between Government and the A. I. N. E. Conference and the latter had no alternative but take a drastic step to assert the rights of the Press which were so wantonly invaded.

Shri K. Shrinivasan, President of the All-India Newspaper Editors' Conference, had issued the following on December 30, 1942.

"In accordance with the resolution of the Standing Committee of the All-India Newspaper Editors' Conference passed at its meetings held in Bombay on the 18th, 19th and 21st December, I have fixed January 6, 1943, for the observance of the *hartal* throughout India for a day. It is requested that managements abstain from publishing newspapers bearing that date. The co-operation of all newspapers in India is solicited to make the day of protest a success.

"The second part of the resolution recommending to all newspapers in India not to publish until the order is withdrawn or otherwise directed by me

(1) All circulars from Government Houses;

(2) New Year Honours List; and

(3) All speeches of the members of the British Government, the Government of India and Provincial Governments except portions thereof which contain decisions and announcements will take effect from the 1st of January, 1943 and continue in force until further notice.

"I am reluctantly compelled to give effect to this resolution as all efforts during the past week to persuade the Government of India to intervene have proved futile."

The *Times of India*, whose Editor had played a notable part in working for an agreement in October between Government and the Conference had the following Editorial note on the proposed *hartal*.

"The President of the All-India Newspaper Editors' Conference has, in pursuance of the recommendation passed by the Standing Committee in Bombay, fixed date for a *hartal* by newspapers and for the omission of certain news items as a protest against a recent Government order. Much as we value the unity which the Editors' Conference has given to the Press in India during the last two years, we think this method of protest is futile and unlikely to produce any good result. Moreover, the voluntary suppression of a newspaper even for a day, and the elimination of certain news items on other days, means depriving the public of information to which it is justly entitled. We may not entirely agree with some of the methods adopted by Govern-

ment, but it is in our opinion unfair to penalise the long suffering public for what the press regards as the delinquencies of those in authority."

It is learnt the newspapers affected by the Madras Government's order withdrawing Press facilities for non-publication of the New Year Honours are the *Hindu*, *Swadesh Mitran*, *Indian Express*, *Dinamani*, *Andhra Patrika*, *Free Press*, *Bharata Devi*, and *Andhra Prabha*.

The Chief Secretary to the Government of Madras sent to the editors of English and Vernacular papers in Madras which did not publish the New Year Honours list, the following letter, dated the 2nd January, as a refusal :

> "I am directed to state that, as you have not published the New Year Honours list, the Government have decided to withdraw the facilities given to your reporters to go over to the Secretariat to receive copies of Press *communiques*, Press Notes and other materials officially released to the press. This decision will take effect immediately. The Government of Madras have cancelled the identification cards for visiting scenes of air raids issued to representatives of the newspapers which did not publish the New Year's Honours list."

It is learnt that the Government of Madras have circularised heads of departments and other officers under their control not to give Government advertisements to those Madras papers which refrained from publishing the New Year Honours list.

These orders relating to prohibition of news of fast and advertisements were cancelled on 12th January. Once an agreement was reached between Government and the A. I. N. E. Conference, the former appeared to be all too keen on any possible lapses. The Chief Commissioner of Delhi imposed a pre-censorship on the *Hindustan Times* which became the subject of an adjournment motion in the Central Assembly.

A second step taken by Government was to precipitate the step against *Janmabhumi*, a Gujarati Daily of Bombay on February 27, 1943. The Government of Bombay served an order on the keeper of the *Janmabhumi Mudranalaya* declaring the press to be forfeited to His Majesty, because the issue of *Janmabhumi* dated February 25, and the issues of *Nutan Gujarat* dated February 15 and 26 printed in the above press published reports regarding the process of the fast commenced by Mahatma Gandhi without submitting them for scrutiny by the Provincial Press Adviser and the Special Press Adviser, Bombay. The order was forthwith cancelled on suitable amends being made by the management on the ground that the Editor was absent in Delhi at the time from Bombay. Another order forfeiting the security of *Janmabhumi* was passed by the Bombay Government and the matter was taken to the High Court, which held that the orders of the Bombay Government were not justified.

### Section 2—Management

The troubles that editors of Newspapers had to face as described in section 1, emanated from a difference of opinion in regard to editorial responsibility in publishing views and news, in editing them both on account of the War and more so on account of the disorders in India. There was an allied source of trouble which not the editors but the management had to face, which related to the supply of paper, the price of newspaper, the advertisement rates and other allied matters. Accordingly side by side wiith the A. I. N. E. Conference, there had come into being the allied body known as the Indian and Eastern Newspapers Society which was not much in evidence for

want of any obvious necessity to face new problems. The war, however, with its failure of supplies of imported paper, thanks to the improvidence of India in not becoming self-sufficient in paper creates a new situation which was vigorously combated by the I. E. N. Society of which Mr. Arthur Moor was the President till February 1943 and later Shri Devadas Gandhi. It would be of interest to review the vicissitudes of newspapers in relation to this aspect which could have been easily overcome if attention had been paid to the manufacture of hand-made paper or even mill produced newsprint but considerations of space forbid any detailed study.

Government assumed control over all indigenous newsprint and offered to spare only 10 per cent of the total output in the country for the use of the newspapers, and there was such an uproar over the whole country and deputations waited on Government so that they were obliged to raise the quota available to the Press to 30 per cent. It was not enough that no direct encouragement was given to hand-made paper, it was sufficiently bad that the secretary of the All-India Village Industries Association was put in prison as a detenu and then tried for an article on "Stone for Bread" in the *Gramodyog Patrika*. This sorry haggling over percentage, allowable to the Press at a time when no foreign paper was available, was merely adding to injury.

That the spirit of Government did not manifest a change of heart not indeed towards the Congress and the national movement but towards the Press in India which the Viceroy had buried with his praises or even to the Press in England was evident from two events of August 1943.

For a time there was a lull in the domain of the Press until early in June 1943 the Government of India flung a bomb on the newspaper world as well as the public of India, by an order that Louis Fischer's writings and speeches should not be published in any newspaper except on being press-advised. The Standing Committee took a serious view of the matter and convened a sitting in July to consider the situation. Meanwhile the Publicity membership which after Sir C. P. Ramaswami Iyer's resignation in August 1942, remained unfilled was given to Sir Sultan Ahmed who took an early opportunity to announce that he would associate public opinion with his department and bring about closer contact between Government and the Press. It was learnt on the eve of June that two non-official advisory Boards would keep the Member in contact with the currents of public opinion. One of the Boards was to consist of press correspondents, Indian and foreign, working at the Government of India headquarters, and was to meet twice a month or oftener, if necessary. The other was a publicity advisory board, consisting of editors of newspapers, members of the Central Legislature and provincial representatives. This was to meet at least twice a year. An effort would be made to provide representation on this Board for editors of Indian language newspapers. Sir Sultan Ahmed was to be the Chairman of both boards. The Information Member would also have a third board, comprising heads of departments in the portfolio, which would meet once a week to coordinate and correlate policy and programme.

The *Manchester Guardian* ever since August 9, had consistently pleaded for a new approach to the Indian problem involving the re-opening of free and friendly discussions with the Congress and for this attitude of justice and sympathy it was penalised in India. Its representative in Delhi, an Indian, was excluded from a Press Conference taken by Sir Ramaswami Mudaliar in the 2nd week of August 1943 only for the British and American correspondentst—once again a direct breach of the gentlemen's agreement. It was thus that one could not say whether the *Manchester Guardian* was sought to be penalized for its Anti-Viceregal and Anti-Amery pronouncements or whe-

ther the Press Conference was only intended for the white representatives of the British and American Press. If the latter, it was an insult by an Indian member of the Executive Council of the Government of India to a fellow Indian—Mr. B. Shiva Row whose position in the journalistic world as the special correspondent of the *Hindu* and the *Manchester Guardian*, in Delhi and Simla, entitled him to deep esteem generally all round and in particular from the Indian members of the Viceroy's Executive Council. One should have felt proud that at least one English daily of England was represented by an eminent Indian journalist at the metropolis of India. But if the former, then it shows that the Indian member of the Executive Council—who obviously was in high favour with the Gods on the Olympus shared the prejudices of his masters at Whitehall and Delhi, instead of appreciating the attitude of perfect justice and equity shown by the *Manchester Guardian*.

Then there was another case of breach of the gentlemen's agreement between the Government of India and the A. I. N. E. Conference. The *Hindu* of Karachi, a well-known Sindhi daily in Sind was refused permission to restart the paper, by the Government of India. The paper was one of those which had suspended publication after the restrictions on the Press imposed in August 1942.

The circumstances relating to this incident require a detailed narration for the important issues involved therein. The *Hindu* had suspended publication along with many other papers in August 1942 as a protest against an aggravation of the conditions of press censoring. It may be remembered that later came the control of newsprint as well and when in July 1943 the paper desired to renew its publication, it had to and did, apply for a permit for the necessary supply of the newsprint and met with the reply that the renewal of publication could not be carried out without the special permission of Government of India and was asked to state the reasons for the suspension. And when these were given it was told that Government regretted their inability to permit republication. It is difficult to see under what law or authority such an order of refusal was passed for the only law one could think of—a notification of February 18,—would not apply to such cases of suspension and renewal for it says that no person shall print or publish except with the written authority of the Central Government any newspaper that was not both printed and published in British India before 18th February. The *Hindu* was both printed and published before 18th February which does not mean up to 18th February. And the procedure adopted as well as the decision arrived at were obviously wrong.

There was another case in C. P. in which Mr. Mani, Editor of the *Hitavada* was asked to disclose the name of a certain correspondent. Replying to the order served on him under Rule 116-A of the Defence of India Rules in the course of a letter to the Chief Secretary, C. P. and Berar Government, the Editor says : "Your order asking me to betray the confidence leaves me no option but to decline to comply with it. I regret I cannot give the name and address asked for."

On December 6, the C. P. Government cancelled the order served under Defence of India Rules 116 on the editor of the *Hitavada*. A press note announced that the Provincial Press Advisory Committee considered the question of the refusal of the editor to comply with the order and recommended that the matter be dropped in view of the letter written by the editor to the President of the Newspaper Editors' Conference wherein he stated that nothing in his knowledge justified the impression that there might have been a leakage in censorship. The order was a sequel to the publication of an article in connec-

tion with Mr. Blair's resignation. Mr. Blair was an I. C. S. who was Chief Secretary of Bengal and resigned for political reasons.

The order passed against the *Amrita Bazaar Patrika* indeed excelled all previous orders of repression. The leading articles on Food of the 28th and 29th September, 1943 which were in the eye of the Bengal Government the offending matter, were on scrutiny by the Provincial Press Advisory Board, declared innocuous and yet the Bengal Government, contrary to the advice so rendered, passed orders of pre-censorship against the *Patrika* in respect of its leading articles and what was worse, prohibited the Press in Bengal against commenting upon the order. This was an original development indeed. A perusal of the two articles revealed no ground for such action. The mere comparison of the prevailing conditions in Bengal with the pre-revolutionary conditions of Russia or a passing reference to the French Revolution could not have been regarded as inciting people to Revolution. There was an obvious nervousness in certain people in authority who smelt danger in the very reference to such events and situations in the past. This reminds one of an event that happened in a Central Jail where all books received for prisoners had to be censored and the censor with an exaggerated sense of rigid obedience to duty, forbade the entry into the jail of a book entitled "*Revolution in Photography.*" The *Amrita Bazaar Patrika* appropriately enough brought out its subsequent issues with a blank space in the area of the Leading Articles and the Bengal Government for a time at least enjoyed "peace and tranquillity."

Under the Defence of India Rules, it was announced that "all matter relating to India written or spoken by Mr. Louis Fischer, the American journalist and author, other than matter contained in inward foreign terminal press telegrams, shall, before being published in British India, whether in the original or in a translation, in any book, pamphlet, newspaper or other document, be submitted by the printer, publisher or editor of the document to the Chief Press Adviser, New Delhi, for scrutiny and that no such matter as aforesaid shall be published by any printer, publisher or editor in British India except with the written permission of the Chief Press Adviser, New Delhi." The earlier notification on the subject was cancelled.

That the restrictions on the Indian Press were clearly beyond all bounds was the view expressed not by those interested in the Indian Press or biassed in favour of Indian politics but by one who was making a tour in India to pick up the facts of the situation in person. Referring to the restrictions on the freedom of the Press in India, Mr. Grant Ferris, Conservative M. P. who had been wing commander, observed in Bombay in a Press interview that "they were indeed bad and would not happen in England, except in the case of war news likely to be of value to the enemy."

Mr. A. D. Mani, Editor of the *Hitavada* against whom charges under the Restriction and Detention Ordinance were framed by Mr. R. K. Mishra, Additional District Magistrate on May 8, filed a written statement, in the course of which he said that the fundamental principle of the profession of journalism was that a newspaper worked in anonymity. The authorities and the public should not be curious to find out which member of a paper's subordinate staff was responsible for the publication of a news item. He regretted that Mr. A. K. Ghosh and Mr. H. C. Narad should have been brought in the prosecution when the editor was prosecuted. He added that he was attending A. I. N. E. C. Standing Committee's meeting at Delhi when the news item in question was published in the *Hitavada*. Despite his absence from Nagpur and his not being responsible for publication in any manner, if in law he was held responsible, he accepted that responsibility solely and absolutely.

Mr. A. K. Ghosh in an oral statement said that he had never been the Editor, Printer or Publisher of *Hitavada*. He did not publish the item in question as he was not on night shift.

Counsel for Mr. Narad said that Mr. Narad had not disclosed the charge-sheet against detenus. What he did send in this news item was conjecture.

A notable event of the New Year was the open session of the All-India Newspaper Editors' Conference which was by this time a child of three years' growth and had accordingly cast off its swadding clothes. In fact, one might seriously wonder whether it ever got into them, for it was a prodigy from its very birth, endowed with precocious talents and charged with a pugilistic temperament. Its birth could be likened unto the birth of some of those *Devas* of old who were created to combat the inroads on their *tapas* of the *Asuras*, who would not acknowledge the former's rights and eternally tended to assume authority over them. It was thus that the outraged *Devas*—here the outraged journalists—to quote Sir Francis Low's words at the Conference, rose to protest against the ordinances of a personal and absolute form of Government. Ordinances are incidental to and inevitable in an era of war, but ordinances promulgated under a watchful and myriad-eyed democracy, stand in a different category from those promulgated by a totalitarian Government like that of India responsible in name to the British Parliament but responsible in reality to no one but itself. And when the Conference was born in the midst of such tumult and totalitarianism, the bureaucracy—always shrewd, chose to bid its own time and when the heat lowered and passions subsided, began to convert the Conference into one of its many tools, one more to add to the numerous honorary organizations under foreign rule, to do all dirty work in the name of authority,—much as convicts in jails are made warders and relieve the paid warders in beating the prisoners. But the Conference proved to have been made not of mild steel but highly tempered stuff resisting the hammer blows of Provincial Governments every now and then. All the same a feeling was left in the country that in certain compromises with the Central Press Adviser in Delhi, the Conference had yielded ground which caused immense displeasure and distress to Gandhi. Later the inroads became more numerous and more challenging. The Conference acted vigorously when it declined to publish the new-year honours of 1943 although it did not prohibit the publication of news of individual honours with portraits as advertisements. There were challenges on both sides, government cutting off advertisements from the "guilty" press but fortunately a timely reparation by a provincial government terminated in battle royal between the Press and the bureaucracy. Next came a trial of strength between the contending parties when the Government tempted the Press to accept seats on an advisory body. The Press succumbed. But a time soon came when it could have repaired its acquiescence and all the Press representatives could have resigned, but actually only the body of corporate representatives resigned. The resolution could have been more comprehensive. When all is said and done, the great service of the first President claimed and obtained the handsome recognition that they richly deserved, offered as they were with ungrudging devotion and with a due sense of responsibility and at a time when the new birth had to probe its way through the sinuous and meandering ways of a *mischievous* bureaucracy. The mantle of Mr. Shrinivasan fell on the worthy shoulders of Mr. S. A. Brelvi who has been the editor of a leading daily for two decades and under conditions of service somewhat trying at every turn, unlike those of proprietorship which marked the serl vices of his distinguished predecessor in office. Mr. Brelvi was only too wel-aware of the limitations of the Press and the hard struggles that lay ahead in a

country which was miles away even from the simulacrum of a Democracy. Indeed his words rang true when he said that "no organizations could be more vitally interested in the establishment of a true democracy in the country than is this conference." In other words the Press sustains a democracy, a democracy sustains the Press. Mr. Brelvi commanded the confidence of the 100 editors and the three hundred delegates that gathered in Madras and under his Presidentship the Conference passed several resolutions relating to Government, on the Press as a public institution and on journalism as a profession which bade fair to inaugurate a new era in the career of this young and promising institution.

The Government of the Central Provinces had recourse in March 1944 to an extraordinary procedure in declaring forfeit the security of the *Nagpur Times* on the alleged ground that the Daily had published specifically "information confidential under Section 11(2) of Ordinance III of 1944 an offence for the alleged perpetration of which the Editor and the Printer of the Paper were arrested. As things stood at the time of forfeiture, the case was pending and the guilt of the accused or their innocence awaited decision. The offence they were accused of, was of disclosing or publishing without the previous authorization of the C. P. Government contents of Government's communication to certain detenus of the grounds of their detention. Moreover, pre-censorship was imposed on the *Nagpur Times* in respect of any matter relating to any security prisoner. Thus while a case was pending before the Judiciary, two executive penalties, one preventive and the other punitive were imposed by a mere official fiat. Under the circumstances any judicial remedy to an aggrieved or accused party becomes nullified by a concurrent executive penalty imposed without trial.

The bureaucratic bodkins were verily sharper than the politicians' needles and more so when the Press supported Britain in the War (as though there had never been a Civil Disobedience Movement), although the Press was all the while combating the imprisonment of leaders arising from that very movement.

The Bombay Government served an order on Mr. B. G. Horniman, Editor of the *Bombay Sentinel*, prohibiting the publication of the *Bombay Sentinel*. The order says : "Whereas it is necessary for the purpose of securing the defence of British India and the efficient prosecution of the war to pass the following order, the Government of Bombay in the exercise of its powers under Rule 41 of the Defence of India Rules, is pleased to prohibit the publication of the *Bombay Sentinel*."

In Bengal the Press Advisory Committee was formed so early as on November 1940. Yet there were numerous cases when action was taken without consulting it.

According to the statement laid on the table by the Chief Minister, action was taken by the Government without previous consultation with the Provincial Press Advisory Committee in 16 cases. Action was taken in 6 cases after consultation with the Provincial Press Advisory Committee, in four of these cases with the Committee's recommendation and in the remaining 2 cases against their recommendation. There were 3 cases of pre-censorship orders, 1 case of forfeiture of security, 1 case of prosecution of editor, printer and publisher and 1 case of forfeiture of issue and temporary suppression of publication.

In seven cases orders for temporary suppression of newspapers were passed, only one of which was referred to the committee and action taken against their recommendation. Pre-censorship orders were passed in four cases, in two of

them with the Committee's recommendation and in one case against their recommendation.

The statement showed that actions taken were in the nature of pre-censorship orders, prosecution of the editor, printer and publisher, demand of security, temporary suppression and forfeiture of issues, forfeiture of security and prosecution of the keeper of the press.

Thus it was a continual passage at arms, a series of growls and counter-growls between Government and the Editors' organisation. The question of censorship continued to be in the year 1944 a subject of acrimonious discussion between the conference and the central secretariat which took the view that "it is unfortunately impossible to divorce consideration of military security from political or other factors." Dealing with the complaint that the Editors' Conference as a consultative machinery was not being utilised in full or on all occasions by Provincial Governments, the counter affidavit was that such a machinery had not been uniformly helpful in all provinces, but that Government could not accept the implications that the defects lay in only one part of the machinery. It was thus that in course of time the Conference became very much like the Local Boards of old,—an auxiliary to Government which the Government could respect at its pleasure or ignore at its choice.

This dark chapter of press censoring and this ugly controversy over the subject, at last came to a close with the end of the war on the 14th August, 1945, which was followed by a notification by the Chief Press Adviser, Government of India, issuing instructions not to "press-advise messages any longer."

## CHAPTER XXX

### Propaganda

In all warfare whether martial or political, there is a subtle attempt to undermine the strength and self-confidence of the enemy. After all an army surrenders in the battlefield and hoists its white flag when it has lost courage and confidence either because of the depletion of its own strength or because of a conviction borne in upon it of the superior strength of the enemy. The conquest of these convictions is called propaganda which need not always be and generally perhaps is not Truth or at any rate, not the whole Truth. This strategy and these tactics are appropriate as much to a political war such as a war going on between India and Britain, as a military war such as the World Wars No. I and No. II. The object of this new warfare in the battlefield as well as in the formation of popular opinion is, as a writer Archbald Maclean puts it "to enlist the opinion of the world in support of its position and purposes". "The field of battle, says the rtrwil, is men's opinions and the objective, men's opinions." "A nation to put it prosaically" proceeds the writer, "wages psychological warfare to convince its enemies that they cannot win and to persuade the rest of humanity that it not only can win but will win, and should win and furthermore deserves their help in winning."

How far the spirit of propaganda can carry even savants and scholars engaged in the in ocuous pastime of Lexicography, is seen from the simple definition of the *Congress* given in the Penguin Political Dictionary. "The Congress is essentially a Hindu Movement having a number of Muslim members and the leadership is prevailing in Brahman hands." To what length can ignorance or misrepresentation go passes all understanding. The people of India are perpetually reminded of their caste by the English people whether it be in the Law Courts, the Registration office or in the Railway stations which maintain different dining halls for different castes and communities.

If you just scan the personnel of the Working Committee of the Congress, you will find that 4 out of the 15 are Muslims. One is a woman whose father was a well-known Brahmo, though born a Brahmin, and who married a non-Brahmin Doctor ; one a Kayastha of Bihar and another again a Kayastha of Bengal, three Khatris till recently, one Bania (Agarwala) one Patidar (agriculturist), three Brahmins,—all of whom interdine with one another and with Harijans. In the Congress people do not pause to scan and scrutinize one another's caste. If, however, some of the Congress Premiers were Brahmans, that only argues how when it came to democracy, the demos would not swear by the principles of exclusion as the bureaucracy did in services and elections and admissions to schools and colleges.

While propaganda in favour of India had been going on all along both in America and England, there were not wanting correspondents who travelled over to India and did counter propaganda in Britain and America from India under the hospitable roofs of high placed dignitaries in India. Whenever the national movement in India raised its head and rose to its head and rose to its crest in its undulatory progress, pressmen from abroad flocked to this country in tens and twenties and their number appreciably grew in 1942-43. Amongst these migratory messengers and mediators, was one, Mr. Beverley Nicholls who had advertised his mission before arrival

as one designed to effect an impartial study of the Indian conditions. Hardly had he arrived in India when he began to sing the praises of the Viceroy, the hard work that constituted his routine, his palatial residence with its rich marbles which are a necessary equipment calculated to inspire awe and respect in the Orientals. He, however, threw a sop to cerberus and told his Indian readers through the columns of the *Sunday* that "not one person in every fifty in Britain has an idea of the extent to which the prisons in India are full." "I am sure" he added "they do not realise this and it is a very regrettable thing. People in Britain are living in a fool's Paradise." Referring to England, he said that revolution had already occurred among the common people there though respectable England did not like to call it by that name. In relation to India, the old idea of Empire was dead and buried. They were all aware of the Indian case for Independence but they were puzzled at the divergence between the two great sections of Indian opinion.—they had seen many miracles happening—they had seen Stalin and Churchill hand in hand. And yet they wondered why it was not possible for Gandhi and Jinnah to come together. The events that occurred towards the end of May, Gandhi's desire to meet Jinnah, Government's dead-set agianst the idea, and Mr. Jinnah's impolite reply—answer the Beverleys and the Smiths of Britain as to who stands in the way of the two coming together.

In a despatch to the *Sunday Chronicle*, Mr. Beverley Nicholls said regarding India :

> "The fact remains that India is a whole bunch of historical anachronisms. You realise this when you go to the Viceroy's House against its proper background, which is the background of ancient ceremony and oriental splendour, created by autocracy for the bedazzlement of millions and then criticism falls to the ground. New Delhi and all it stands for suddenly fits into the picture. It is in the grand tradition. Anything less imposing and less formal would be absurd. An attempt at the White House simplicity would be a piece of ludicrous affectation. Hindus would laugh at it. Muslims would despise it and the Princes would regard it as a form of lunacy."

To this an effective reply was given by Margaret Pope.

> "I wonder where Mr. Beverley Nicholls got the idea that he would be a success in India. From what he has been saying in the London press and from the lecture hall at the Taj Mahal, I can only surmise that he was sent here to do a bit of shrewd propaganda. Why else should such an obviously virile young man (the notorious foot notwithstanding) have been allowed to slip out of England just now and be left free to wander about India "on tour" ? The little gesture, staged so beautifully at the Taj Hotel, of tearing to pieces an order to report for National Service, has roused suspicions rather than allayed them. Most people went out of the hall wondering, just what is he up to ? And no wonder. Whatever it is —propaganda or journalism, I can say this : Mr. Beverley Nicholls is going to be a disaster for his own reputation as a writer and for the people he professes to represent. I advise him to take the first plane available and get out of the country before he does any more damage than he has already done. Mind you, Mr. Nicholls, this is no fanatical Indian speaking but a compatriot whose skin is as white as your own. Naturally I have never enjoyed a close-up of a Viceregal splendour nor have I spoken from the Taj Mahal platform and escaped

answering difficult questions on account of my "foot". But then I've never had a foot. I have, however, done some serious investigation work in India, I have seen some few things more important than the Viceregal palace in Delhi and I have learned something what Mr. Nicholls obviously has not. I have learned, for instance, not to make a fool of myself by preaching to Indians about their own problems as if they were a first year seminar of College boys. For these reasons I hope Mr. Nicholls will take my words to heart and my advice to quit India—without delay.

"If his Taj meeting was a rhetorical disaster, his recent article to the *Sunday Chronicle* was a journalistic outrage. Since I landed on Indian soil I have had to counter much adverse criticism of the pig-headed unfairness of British journalists and Mr. Nicholls is the last straw. Most Indians have never heard of his books, much less read them and it is difficult for them to realise that he is, in fact a writer of fiction not a journalist. It is, for instance, difficult for them to see that his recent literary blurb about Viceregal splendour is the result of a not very original imagination—not as it appears—the outcome of intellectual dishonesty. Mr. Nicholls knows as well as I do that the Viceroy receives nearly twice the salary of the Prime Minister of England. I wonder though whether he knows that the average income of the "bedazzled millions" is something less than £5 per head per year! Mr. Nicholls has called India a British Museum —he is correct, but only so far as the British are concerned. The Museum pieces are the Viceregal splendour he admires so much and the crumbling facade of imperial administration that out here goes by the misnomer of constitutional Government. Yes imperialism *is* dead in the mind of modern India—it will never flourish here again. But in England imperialism is not dead: It lives still in the mind of Amery and his party. And in spite of what Mr. Nicholls believes no miracles can change India from a British Museum to a United Nation. The Indians do not believe in miracles. They believe as I see it, in Government of the people, by the people, for the people of India: they believe in their leader now shut up behind bars; they believe British rule to be the greatest anachronism in a modern India. They believe that independence is the birthright and they will have it—NOW. They do not believe in Britsh propaganda, they do not believe in British hypocrisy and I regret to say it, they do not believe in Mr. Beverley Nicholls.

"For the sake of the two countries, Mr. Nicholls, go home and write another travel book. Remember ' there is no place like Home' ".

A Book on India, *Verdict on India*, was published by Mr. Beverley Nicholls in which he wrote :

"Gandhi has no respect for Truth."
"Hinduism has no historical basis."
"Indian Journalists are drawn from Duds."
"There is no genuine art in India."
"Indian Press is a hotch-potch of rumour, prejudice and ignorance."

All this shows how a *dud* from England with no genuine artistic sense in him can gather up *a hotchpotch of rumour, prejudice and ignorance* and pass it off as *truth* without any *historical basis.*

Let us refer to another equally interesting aspect of foreign journalists working in India and struggling to tell the truth as against those who are free to write what they like. This time, the two journalists are two ladies,—

—Miss Sonia Tomara and our friend Margaret Pope. The latter tells India why she cannot tell England the truth.

> "Since I arrived in Bombay a hundred people have asked me why I don't send the 'truth about India to England since I seem to know it.' I am quite certain I know it. But knowing and making it known is an entirely different thing in war time. And if you think it makes an iota of difference what nationality you are—you are wrong. There is no favoured nation clause regarding truth about India. There is just a ban on it. I've worked in India for two years. I've been, seen and done things most foreign journalists wouldn't get down to in ten years. I've worked inside and outside the Government but always against imperialism and I haven't hesitated to clear out of places and jobs that hampered my search for the facts that my colleagues do not hesitate to ignore or distort quite shamelessly. But then these colleagues of mine have one great advantage over me. They get their stuff read by millions and millions of people who believe anything and everything they say. They have 'bosses' who like what they write and most important of all the censor in India quite likes it too. And what about me? I know I've got the true anti-Fascist perspective on India. I can prove it. But I can't send it anywhere. I get it out of India. If I tell it to the British in India they don't believe it but they've never believed anything new from Hongkong To Burma. If I tell it to Indians who are glad to be out of prison, they avert their faces. They know it's true but they don't want to hear it. The British may be proud but the Indians who compromise with them are prejudiced."

British propaganda against the Indian National Congress and the deadlock created in the course of its struggle for India's Independence assumed diverse shapes from time to time. The study of the Indian situation and their reports to the Press in Britain were almost traditional—being as much the concern of the Press as of Government. Sir Valentine Chirol and Lokamanya's Defamation case against him in England are now chapters of a never-to-be-forgotten past in the days of the Home Rule agitiation and the years preceding it. Mr. Slocombe appeared on the scene during the Salt Satyagraha days of 1930. He was followed by a Labour Committee with Miss Wilkinson on its pesonnel in the period of the recrudescence of Civil Disobedience arising from a breach of the Gandhi-Irwin Agreement by Government in 1932-33. Numerous have been the Press correspondents that have visited India and reported of their own accord,—such as Louis Fischer, Edgar Snow, Steele, Sonia Tamara, Margaret Pope and Miss Currie, the daughter of Madame Currie of Radium Fame. Except for bits in the *News Chronicle, Sunday Despatch* and *Sunday Chronicle*, India has not had the privilege of hearing or reading what had been written by these correspondents. But amongst them, there was one Louis Fischer—an American author and journalist who did marvellous work in America after his return from India through the Press and from the platform. His latest service just before the bolt from the blue fell on him, was the lecture delivered on the Indian situation in San Francisco which was published *in extenso* in May 1943 in some of the Indian Dailies. This was the last straw that broke the bureaucarcy's back for an order was passed on the 5th June prohibiting the publication of any book, tract or pamphlet containing Louis Fischer's writings or speeches in British India.*

* This accounts for the omission from this work of what would have proved an attractive and complementary chapter in its contents.

"It is announced that in exercise of the powers conferred by Rule 41 of the Defence of India Rules the Central Government is pleased to direct 'that all matter relating to India, written or spoken or purporting to have been written or spoken, by Mr. Louis Fischer, the American journalist and author, shall, before being published in British India whether in the original or in a translation in any book, pamphlet, newspaper or other document, be submitted by the Printer, Publisher, or Editor of the document, to the Chief Press Adviser, New Delhi for scrutiny.

(b) That no such matter as aforesaid shall be published by any printer, publisher, or editor in British India except with the written permission of the Chief Adviser, New Delhi."

There is an irony of fate in such an order overtaking Louis Fischer's writings and speeches, for at a gathering held in 1942 at the Silver Fish Club, Fischer had openly expressed his satisfaction and even surprise at the measure of freedom of the Press this country enjoyed. "Nowhere else," said he, "could so much criticism be allowed of Government and Governmental measures."

There is a subtle point of equity—apart from Law involved in this prohibitory order. When the Indian Press is forbidden to reproduce Louis Fischer's articles, Government effects a breach of the gentlemen's agreement arrived at with the All-India Newspaper Editors' Conference whose members had honourably acted up to the terms thereof. In effect then, the prohibitory order was an insidious inposition of pre-censorship. The relations between Government and the Editors was regulated by the single factor of not impeding war effort. On its part, the Press should not so aught to impede war effort while on their part Government should not impose pre-censorship. Government's efforts to spread their tentacles in regard to factual news about the disturbances after August 8th were nipped in the bud by the vigilant guardian of the Indian Press. The relevant portion of the Resolution runs as follows :

> "The Conference is opposed to pre-censorship. Newspapers should be free to publish without previous scrutiny objective accounts of any incidents in connection with the mass movement or disturbances. The Conference, however, considers it necessary that Editors should exercise restraint in the publication of such accounts and should avoid the publication of anything which incites the public to subversive activity, conveys suggestions or instructions for illegal acts is an exaggerated report or unfounded allegation regarding excessive use or misuse of their powers by the police, troops and other government servants or the treatment and conduct of detenus and prisoners and retards the restoration of the public sense of security. Deliberate departing on the part of any newspaper from the general policy laid down may be dealt with by Provincial Government in consultation with Provincial Press Advisory Committees."

Mr. G. L. Mehta, Deputy Leader of the Indian Delegation to the International Business Conference in the U.S., in an interview, referred to the "tendentious propaganda" that was being carried on in America against the Indian national movement, particularly against the Congress. He said : "American public opinion is sympathetic to Indian aspirations but is ill-informed about the Indian situation. The mass of people in America, although interested about India, are unfortunately very badly informed. Information about India is really lacking. Even people who are really working for India and the Indian cause, consisting of persons like Pearl Buck, Mr. Walsh (Pearl Buck's husband), Louis Fischer, Mr. Lin Yutang,

Mr. Norman Thomas (who stood as a Socialist candidate for the presidentship), stated that they were having very meagre information about India.

"Unfortunately, however, the India Agency General functions as an appendage of the British Embassy, which carries on a continuous and tendentious propaganda against the Indian national movement, particularly against the Congress. Lakhs of rupees from the Indian Treasury are spent for this purpose, apart from millions of pounds spent by the British propaganda machine, which seems to confuse and mislead American public opinion about the conditions and aspirations of India. As is well-known, people have been sent from India as well as from England for this purpose, and it was reported recently that Mr. Beverley Nicholls is also visiting the U.S. or is already there and is touring the country.

"Scores of lecturers are employed and pamphlets and literature distributed all over the country to show that Indian disunity stands in the way of her freedom and that the Congress and Mr. Gandhi have been pro-Axis.

"It is of interest to mention in this connection that debates over the radio had taken place between, for example, Louis Fischer and Sir Frederick Puckle, who is in the British Embassy, and also between Mr. Norman Thomas and Senator Cellor, on the one hand, and Sir Frederick Puckle, on the other, about India. If censorship is exercised in India only for reasons of military security, typescripts of these debates should be allowed to be published in India in full to let the Indian public know what type of propaganda is done in the U.S.

"The India Agency General is more interested in watching the movements and activities of Indian visitors and students than helping them in establishing contacts between Indians and Americans. As against this, the machinery for publicity and education in behalf of Indian national bodies is poor in equipment and resources, although rich in personnel. Men like Dr. Syed Hussein, Mr. J. J. Singh, Mr. Anup Singh, Mr. Krishnalal Shridharani and others are endeavouring their utmost to place the Indian viewpoint and disseminate information about the national movement. There is an Indian Chamber of Commerce in New York but it is not also adequately equipped.

"It is essential that arrangements are made to strengthen such bodies as are functioning in the U. S. and provide them with adequate information. Mr. J. J. Singh, in collaboration wth several Americans, is carrying on the India League of America and is trying to get the ban on Indian immigration removed for which a Bill is likely to come up before Congress shortly. Dr. Anup Singh and his other colleagues are working the National Committee for the freedom of India in Washington and having a monthly paper called the *Voice of India*. The India League also publishes regularly a bulletin."

"I might add," Mr. Mehta observed, that until our delegation went, practically all the delegations that had gone from India have been either official or nominated by the Government of India, so that they were not in a position, even if they wanted to do so, to place India's viewpoint frankly and fearlessly even on economic matters.

"The first time the Indian viewpoint was put forward was at Bretton Woods Conference, where not only non-officials like Sir Shanmukham Chetty and Mr. A. D. Shroff but also Sir Jeremy Raisman, Finance Member, Government of India, expressed the Indian viewpoint on the question of the sterling balances, India's representation and India's economic condition as a result of the war.

"Mrs. Vijaya Lakshmi Pandit's visit and the presence of the Indian delegates at the Pacific Relations Conference," Mr. Mehta said, "are likely to help the Indian cause and strengthen the hands of our friends there. There

is, however, a kind of tacit understanding about the publication of Indian news in America, although I must add in fairness that the activities of the Indian business delegation received good publicity even in the American press.

"During my stay of nearly six to seven weeks there was hardly any news about India in the American newspapers except for certain tendentious reports put out from Washington. For instance, while every attempt is being made to throw cold water and discredit the Sargent Scheme of education by high authorities in this country, reports were published as though the Government had already put the scheme into operation or that they were going to implement it shortly. The object is to show the American public that the Government are proceeding fast with schemes of post-war reconstruction and everything possible is being done for the benefit of the Indian public by the present Government.

"Mrs. Pandit's activities", Mr. Mehta remarked, "are not also receiving enough publicity, presumably because of certain influences are at work."

The "peculiar" type of official propaganda carried on in America on Indian problems stood out among the impressions brought by Mr. D. B. Mulherkar, the Indian employers' delegate to the Philadelphia Labour Conference, who gave to press correspondents here an account of his experience in America as an Indian visitor and as spokesman of Indian employers.

"One is surprised," he said "at the anxiety felt and inquiries made by Americans from the cab driver to the industrial magnate, regarding the progress of the struggle which India has been carrying on for a place of honour and respect in the comity of nations. The ever-growing desire of the Americans for information regarding India's aspirations is being unfortunately met by persistent propaganda carried on either by the British Government or by the Government of India throughout the length and breadth of the States, which, to my great regret, did not reflect much credit on the diplomacy and intelligence of either of these governments.

"I had, on more than one occasion, opportunities of discussing Indian matters with people very highly placed in the financial circles of New York, and I was rather amused at the manner in which such propaganda is looked upon by intelligent and highly placed Americans in that country. It must, however, be said that the way in which Indian 'Quislings'—as the Americans call these Indian propagandists—are being paraded from one end of the States to the other and presented to American audiences as 'distinguished journalists or Indians in public life,' is having its effect in misinforming the middle classes in the States about the political conditions in this country. I think the Indian public and the Central Legislature have a right to know the nature of the propaganda which is being carried on in America at the cost of the Indian Treasury and the manner in which conditions in India are being misrepresented to the American public."

According to his information, Mr. Mulherkar added, some 300 lecturers, mostly non-Indian, have been hired to go about and present at lunch and cocktail parties a picture of India, of which he had evidence in the kind of questions put to him by audiences whom he met during his stay. A significant point, he said, was that these lecturers were presented to audiences through the good offices of British Consulate officials.

As an example of the kind of information given out by these lecturers, Mr. Mulherkar said, it had been made to appear that if the British withdrew from India, Christianity would be wiped out of the country. Such a presentation of the future was sufficient to attract the hostile interest of a large body of women in that country. That a British withdrawal from India would be

followed by civil war was another common idea fostered by these lecturers, although a reference to the civil war through which Americans themselves had passed was generally a sufficient counter to this part of the propaganda.

"In such an atmosphere," Mr. Mulherkar went on, "one felt relieved by the inquiries made by important and influential sections of the American public—both financial and industrial—regarding Indian industrialists' intention in the matter of greater industrialisation of the country. In the post-war period, American industrialists seem to be anxious to help India with the supply of technical skill and capital goods."

When informed about India's helplessness in respect of dollar resources which legitimately belonged to her but which had been, in the past, requisitioned by His Majesty's Government in the interest of the British Empire, American financiers, while fully sympathising with India's position, expressed the view that in the post-war period, Britain, in her own interest of keeping her position in international finance, would have to offer a square and equitable deal to India in respect of Sterling Balances which had accrued to India out of her privations and sufferings.

It is, a happy sign that American opinion is gaining strength towards securing a fair deal to India in respect of dollar balances. What form or shape it will take, it is difficult to conjecture at this moment, but it seems that the American Government would insist upon Britain making available to India dollars which accrued to this country, as a result of the net favourable trade balance since 1939 and as a result of payments by the American Government to the Government of India in respect of supplies and services made available to the American forces stationed in India.

His talks with industrialists revealed a readiness to help India with plant for the manufacture of automobiles, aeroplanes, ships, heavy chemicals, fertilisers and power alcohol. They expressed confidence in overcoming any opposition from big American oil interests to the encouragement of power alcohol production in India. He noticed a general antagonism to and a move to discourage big cartels and combines such as those of oil.

As regards financial arrangements, he heard that American finance was prepared to come in to give assistance on the basis of 75 per cent. Indian to 25 per cent. American share, if that would dispel needless Indian apprehension of a possible attempt to establish financial imperialism. Mr. Mulherkar pointed out that even now, after meeting the full war requirements, there was a large surplus production capacity in America ready to be turned over to satisfy civilian and export purposes.

Mr. Fenner Brockway, the Secretary of the Independent Labour Party rendered a signal piece of service to India when he objected to a pamphlet, *Our Indian Empire* being circulated amongst British officers in the Indian Army. Mr. Fenner Brockway stated: "I understand the pamphlet *Our Indian Empire* which was distributed to British officers proceeding to posts in the Indian Army and which I criticised publicly a short while ago, has now been withdrawn by the War Office."

## T. A. Raman's Report on India.

Numerous publications on India were forthcoming during the critical period of India's history 1942-44. Amongst these was one entitled *Report on India* by one T. A. Raman who was touring America for the British Empire and we give below an interesting review of the Report from the columns of the *New Republic*, (January 10, 1944—page 60).

"Subjection for a long time to a foreign yoke," said Sir John Seely about India in 1870 "is one of the most potent causes of national deterioration." This is indubitably true example. The Indian, T. A. Raman's studiously and insidiously perverted defence of the foreign yoke over his own people in *Report on India.* (Imagine a book by a Frenchman in German pay, subtly derogating all French patriots and praising the beneficence of German rule in France—translated into Indian terms, that is Raman's line). But Sir John's maxim has an important corollary, which he overlooked. No country that subjects a foreign people to its yoke for a long time can itself escape national deterioration. The regrettable publication by the otherwise distinguished and honourable Oxford University Press of such tripe, cunningly cooked up as a report on India. It emits the high odour of double deterioration."

**The American Delegation:**

The high-light of the Legislative proceedings in November 1943 was the censure motion passed by the Assembly on Government in regard to the delegation of orators they proposed to send to U.S.A. to preach to the Americans about India's participation in war effort.

Was that a matter on which four "loyal" Indians had to be deputed to go abroad to prove a well admitted "fact"? But behind the facts and figures lay the fear that after all and despite the men and money that were forthcoming, there were in India deep rumblings of discontent amongst the people over the political situation. The Legislators apprehended that the real object of the Mission proposed was to allay these fears. But the Government spokesman, and earlier the leader of the would-be deputation repudiated any political object for the Mission. India, however, knew how two Missions had been touring America. One was composed of Messrs. H. S. L. Pollok, S. K. Ratcliffe and T. A. Raman and the other of Sir S. Ranganathan, High Commissioner for India in London, both speaking against the Congress and its political demands and it was stated that the expenses of the two Indians were borne by the Government of India.

The Legislators in favour of the censure motion would not readily swallow the easy statement that this wholly Indian and New Mission composed of four, which had come under the fire of the Legislature had no political objective. In the end, with the aid of the ten Congress recalcitrants who attended and participated in the debate—contrary to the resolution of the Congress, the censure motion was passed by a majority of 3. To Mr. G. V. Deshmukh, the Congress representative, goes the credit of initiating the debate. The satisfaction derived in some quarters over the attendance of Congress members and the consequent censure motion passed against the Government on the subject of this American Delegation was nullified by the fact of the Delegation leaving for England that very day, and more so by the very first interview given by the Leader of the Delegation which broke up into two groups of two each, both touring England and America alternatively.

The very first performance of the Delegation in its tour in Britain was as pitiable as it was poor. The open admission of the vote of censure on the Delegation was followed by the admission that the Legislature was not representative. If this was the treatment meted out by an unrepresentative Legislature, what might not a representative Legislature do? And on the top of this, came the damaging admission that the two major parties were against the war effort in India. If so, whom did the Delegation represent? Further, Sir S. Sharma, the leader, was reported as having stated that the most

extreme Congressman was anti-Japanese and did no wish for Japanese Victory and that if Gandhi and the Congress leaders were released, a reconciliation and settlement would be possible. But shortly a contradiction was published from London which speaks for itself.

The propaganda deputation presently showed its cloven foot. Contrary to their protestations that they would not tread on politics, one after another besmirched himself with mire of politics. And what a mire it was—a veritable quagmire. The high views on India's destiny that their leader Sir S. R. Sharma had fancied and played with, he had to take back abjectly perhaps at the instance of the India Office. Mr. Giazuddin gave utterance to explosive views that knew no diplomacy and blurted out that both the leading political organisations—the Congress and the League were against participation in war effort. On the question of the Depressed Classes or Harijans, as the Congress chose to denominate them, he laid the blame at the door of the British. The Harijan Leader himself had some unpalatable statements to make which the distinguished ornaments of the I. C. S. and the I. E. S. gathered at the London meeting could not easily gulp. In the last analysis, he said, the continued responsibility for the disabilities of the Harijans during a period of 160 years of British rule, the British themselves should bear on their spacious shoulders, if not on their devoted heads. The deputation organized by the British began to sing the praises of the Communal Award. It was not only a belated recital but an anarchronism for the Communal Award was changed beyond recognition so far as the Depressed Classes were concerned. Do these classes deny that under the Harijan settlement scheme approved by the Nation and by Mr. Ramsay MacDonald as the result of Gandhi's fast unto death in 1932, they gained more seats, than the British Premier's scheme allotted to them something like 151 against 71. The Local Boards, it was wellknown and the Educational authorities under the Congress Governments refused grants to schools where untouchability was observed. As for their religion, it has nothing to do with any of these. They could assume the Sikh faith or the Christian or the Muslim faith if that would ensure economic uplift. A whole village in U.P. became Sikh. But Dr. Ambedkar's proposal to hold up the Depressed Classes to auction so that they would accept the faith of the highest bidder—who would give them the best socio-economic facilities, is one which every self-respecting man had to judge for himself. So far as the Congress is concerned, the Harijan continues to be an integral factor in the vast Hindu fold, entitled to separate, guaranteed representation in elected bodies and an accelerated scheme for social and educational uplift.

An interesting if somewhat ludicrous complication overtook the American section of the Indian non-official Delegation. The usually long delay in this section crossing the Atlantic was said to be due to delay in the receipt of the requisite *visas* from the U.S.A. authorities for intending lecturers should have been invited by at least two responsible public bodies in America for the purpose. These lecturers were being paid Rs. 60,000 each, by the Government of India. Their proposed trip was censured by the Central Legislature. Yet they had left India the very day the censure motion was passed. It was stated both by the Delegation and by the Government of India that theirs was a non-official delegation despite their being paid by the Government. It was this prevarication that caused the delay in respect of the *visas*. And this equivocation promised a good "assault and battery" from the exacting audiences in America.

Events disproved the assertion of Sir Sultan Ahmed that the Delegation had instructions to keep themselves off all politics and to dwell only upon

India's war effort. But neither the speakers nor the audience would agree to such an attitude of rigid aloofness from a subject of ever exciting interest. Mr. Giazuddin's assertions at a London meeting, though in answer to a question, that the two big political parties in India were against war effort was naturally and rightly interpreted in India as referring to the Congress and the League. And when the matter became the subject of a somewhat acrimonious interrogation in the Central Assembly (February 1944), the League Leader took umbrage at such a statement which however was wrongly attributed to Mr. Bhole. He went the length of suggesting that such a statement which maligned the League should be contradicted. Sir Sultan Ahmed was apologetic for the Delegation and evasive for himself. The Delegation frankly turned out to be a political delegation.

While in England, Mr. Amery mounted guard over Britain's preserves in India and declared that the Indian problem which was but a generation old would be modified beyond recognition within the next generation. He took good care to see that the diehard views of the Imperialists gained adequate and authoritative currency in America through only accredited writers and speakers. We have seen how Sir Samuel Ranganadhan and Mr. H. S. L. Pollock had toured America. The former was on his return elevated to the position of the High Commissioner of India from the place of one of the many advisers of the Secretary of State. These two were followed by Mr. Hodson formerly Editor of the *Round Table* and for some time Reforms Officer with the Government of India of which office he was relieved a few months prior to his American propaganda. Mr. Hodson wrote an article to the *Foreign Affairs* of New York in which he compared and contrasted the introspective and nationalistic tendency of India with that of Britain "habituated to an international outlook and responsibility for a world-wide group under one crown." "Britain", he says, "knowing that Independence is an illusion, looks for international stability while India, knowing that stability can be a cloak for stagnation looks for National Independence." Having referred "to the responsibility of Indian leaders—such as Mr. Gandhi's alleged totalitarian and nihilistic leanings, and Mr. Jinnah's intransigence," Mr. Hodson thinks that Britain's duty to India can be discharged by implementing the policy outlined by Lord Linlithgow in August 1940 and steadily increasing the number of Indians in the Viceroy's Executive Council. "It is a policy which has still a long way to go." On such a policy and not on some spectacular stroke of policy, writes Mr. Hodson, depends the future progress of India towards complete self-government.

Again another journalist, Mr. W. H. Chamberlain, correspondent in Russia, Far East and France of the *Yale Review* and the *Christian Science Monitor* contributes an article to the former in which he recites the usual arguments urged against Self-Government for India, of want of agreement amongst the Indians, of anarchy that follows the evacuation of India by Britain and of the peace and order brought by Britain into India, and states that on the conclusion of the war, Britain might be willing to speed up the pace of extending Self-Government in India and forego some monopolistic and preferential features of Imperialism if America would underwrite a guarantee against aggression and make some concessions in the field of Trade and Tariffs.

In June 1944, Sir Samuel Ranganadhan who was India Government's representative at the I. L. O. Conference in Philadelphia stated that in U.S.A. on the Indian political deadlock, there was no expression of public opinion but "Americans want to see a settlement in India as it is an Allied base of operations." We should think there were two mis-statements or perhaps

understatements in this. Sir Samuel says there was no expression of public opinion. If so how did he gather that the Americans wanted to see a settlement in India. He could not have been echoing the views of one or two or even half a dozen Americans, though when those one or two were Wendell Willkie and Henry Wallace and William Philips and Sumner Welles, let alone the Gunthers, Kate L. Mitchells and Louis Fischers, their views would mean much. But if Sir Samuel could say that the Americans wanted to see a settlement in India he obviously meant the bulk of American opinion and what else could "public opinion" be the expression of which Sir Samuel denies. Again the reason assigned for the American wish is that India was a base of operations. That was to rate the American judgment and American ethics low. It was not because India was a base of operations against Japan that the Americans wanted a settlement in India but because India's case for Independence was unassailable, just and urgent as the Americans very well knew and repeatedly expressed. Sir Samuel's official position naturally cautioned him in the expression of his observations and inferences.

The following is a condensation of a series of interesting articles which appeared in the columns of the *Leader* (Allahabad) signed "Insaf" and 'I accuse' exposing the propaganda tactics of Government early in January 1945.

Intensive propaganda was being carried on in America by the British and India Governments' Agents against the Indian National movement, particularly the Congress. To checkmate the activities of the India League in the U.S.A., Mr. Hennessy was sent out as the publicity agent, but as he overdid his job, the experiment failed to achieve the desired results. Later Sir Frederick Puckle, Information Secretary to the Government of India, and Mr. Joyce, Publicity officer of the India Office were sent to the United States on a joint mission. They suggested that information services should be operated by the British Ministry of Informaton and the Government of India to present the Americans the English view of the Indian Political scene.

India was similarly misrepresented in Russia, China and the Middle East and thus made this country a spring-board for British "Commonwealth" Publicity. The only book on India published in 1943 by Mr. S. Melman (Russian) referred to the favourite view about British Rule in India. It was as if that Russia decided to gaze at India through British eyes and *vice versa*. Thus the "United Publications" have started sending to Russia a *Mizan* news letter in Russian, *Duniya* an illustrated magazine in English and Russian and an *Indian Chronicle* in Russian knowing full well the Kuomintang's friendship for the Congress and the *Goebbels* carried on publication about India without mentioning the names of the top-leaders of Indian people. To speak of India to China without mentioning the name of Gandhi was like the Hamlet without the Prince of Denmark. He must be mentioned. So the pages of the *India* magazine sold in China and the *Mizan* newsletter bore testimony to that naive publicity technique.

As to the vehicles of publicity the *Goebbels* followed the order of bribing journals in order to make them publish certain material and to pursue a specific policy.

China made a very convenient and important vehicle of publicity. Thus "soft spot tactics" were pursued.

High Commissionerships or Agencies in various Dominions and colonies employed Indians as "Yes men". A High Commissioner has been appointed in Australia and an Agent to the exiled Burma Government in Simla.

The "United Publications" produced an attractive magazine *Al-Arab* written in Arabic for countries bordering on the Persian Gulf. The world famous name of Taj Mahal was given to a magazine meant for Afghanistan and Iran. *Jahan-i-Azad* was published in both Persian and Arabic. *Ahang* was another Arabic Magazine. *Nahun Parun* was brought out in Pushto for the tribes on India's border. *Jahan-i-Emruz* was published in Persian and was stopped later. *Bungle* was issued in French, Persian and Arabic representing an all over publicity offensive in the Middle East. *Duniya* was brought out in several languages. A Children's magazine under the caption of *Nau Nihal* and another for younger generation in the name of *Ajkal* was published in Urdu to influence the tribesmen and the Muslims in India.

All this propaganda meant heavy expense. The Government of India spent about 2½ million rupees and the British Government about 10 to 12 million dollars every year for anti-Indian propaganda in America. About 10,000 persons were engaged exclusively in this mission of advocating the cause of British Imperialism in America.

Thus the Information Officers of the Government of India have really become "Mis-information Officers."

Besides the above mentioned British Officers, 30 Indians have also been brought to U.S.A. as propagandists. To add to them "Beaverbrook's Bright Boys" intensified the anti-propaganda. There were also pro-British American Missionaries who had been in India and were won over by the British Government. Among those were Mr. and Mrs. Peter Muir who enjoyed the hospitality of the Viceroy, the Governors and the ruling Princes for 15 months and later published a poisonous book entitled *This is India*. Another man of that kind was Mr. Post Wheller who published a book named *India, Against the Storm*. Mr. Archer, a professor of the Yale University was requested by Lord Halifax to go to India. But the American Government felt that his trip to India would harm the reputation of the American people in India. That was a "slap in the face of Lord Halifax."

Several leading American Journalists like Walter Lippman, Dorothy Thompson, Major Fielding Elliott, Phillip Simms, Waverly Root and Barnet Nover were championing the cause of British Imperialism in the American Press.

Despite this malicious propaganda, the vast majority of the American newspapers were openly for India's Freedom. "Britain cannot fool us" was the common parrot cry on every American lip on matters relating to the Anti-propaganda run by the Government of India.

Much against the British untruths about India, Washington citizens have on several occasions protested against denials of human rights and liberties and with particular interest it may be noted that at the "India Independence Day" firm opinions were made :

Firstly, war against Japan could be won much quicker if Indians were given a specific date for independence.

Secondly, in every country which sought independence unity has been achieved after freedom. For example, the Muslim problem seems to exist only in Palestine and India, and not in China and the Philippines.

Thirdly, the Cripps Offer was framed in such a manner as to insure rejection and if the offer had been accepted it would have balkanized India and paralysed it economically and politially.

Fourthly, if England were really sincere in talking of the eventual self-government for India, it should not impose from outside the Civil Service and military systems for India's defence.

A New Constitution :

For some time past Mr. Amery had been harping upon the necessity for the young University folks of India to forge a new constitution for the country suited to the Indian genius. The older generation, in his opinion, was far too much attached to the Western system of Responsible Government which obtained in Britain and was unsuitable to India—obviously or ostensibly for the reason that the Muslim League had been inveighing against it. The appeal to the young came somewhat amiss from the Secretary of State who had nearly reached the Patriarch's span of life—his three score and ten. His repeated appeals fell flat on India and elicited no response. So a professor from England was duly awarded a scholarship by the Nuffield Trust and sent to India in advance of Sir Stafford Cripps in order to study the Indian constitutional documents of the past, survey the conditions of the present and suggest a future constitution—the outlines of which were published on the eve of Lord Wavell's arrival.

Prof. Coupland, analysing the lessons, learned in six years of Provincial Autonomy, rejects majority Governments for Provinces and suggests, instead, the adoption of the Swiss system of Executive, chosen by a proportional vote of the Legislature and sharing its stable life. Prof. Coupland proposes the same kind of solution at the Centre.

The partition of the country as demanded by Muslims is rejected by Prof. Coupland as creating more communal problems than solving them. Instead he favours regionalism as a middle way between partition and orthodox federalism. Provinces, possibly States, too, would be grouped in regions exercising such powers of Government as are inappropriate for smaller, scattered units save only the minimum of central national powers. These last would be in the hands of an "Agency at the Centre" representative of the regions as such and not directly of their peoples. These powers would, so to speak, be exercised in trust by the Centre for the regional Governments. The Central connection would be "more than a confederacy but less than a normal confederation." The regions would be equally represented by their spokesmen voting, if required, as one regional bloc.

Prof. Coupland is attracted by the idea of regional division according to the main water systems of the country giving India four regions—Indus and Ganges Deltas (Bengal and Assam), Deccan, etc., two of which would have Hindu majorities and two Muslim.

Continuing review of Prof. Coupland's "Future of India" and the problems of the Indian constitution suggested therein, the *Times* dealt with some questions connected with the structure and functions of the Central Government as well as the obligations of Britain.

Equality of Hindu and Muslim Regions at the Centre would, of course be vitiated, says the article, unless the Regional representatives act as delegate-blocs, which is what Prof. Coupland suggests. Does it further imply that they must represent the majority community in the region ? In any case, the article points out bloc vote disfranchises at the Centre, the minority in each region, whether communal or other. A bare majority of two smaller regions can command a 50 per cent vote at the Centre, though representing fewer than a fifth of the total population taking a bare majority of all but the largest region, one-third of the population can swing a two-thirds majority at the Centre.

"Representation would further be distorted," says, the *Times*, "if States are considered as partners with provinces in regional federations. Their representaitves would go to the Centre with the same instructions as provin-

cial representatives which would mean, for example, that representatives of the Nizam would be instructed by the huge British-Indian Hindu majority of the Deccan Region. These paradoxes demonstrate the difficulty of giving arithmetical expression to the principle of Hindu-Muslim equality, which must surely be accepted."

"A solution must be found", continues the article, "along the lines of minimising the weight of the functions laid upon a formal constitutional Centre. Prof. Coupland advocates a 'weak' centre in the sense of a Centre with restricted range of functions, but the proposal burkes the question how strong the Centre should be to exercise those functions. Tariff and Currency policy can dominate all economic affairs. Defence must needs embrace everything in an emergency.....Thus, mere pruning of the Federal List by itself is no solution. We must look to the nature of the functions themselves and the mechanism through which they are exercised."

The article then goes on to suggest that a whole range of vital questions should be withdrawn from the field of government as normally understood. "If we are to avoid the dilemmas and deadlocks of a straight approach to formal constitution-making at the Centre, we must see how far the affairs of common concern of all-India, including Defence, Foreign Policy, and Communications as well as Currency and International Trade can be conducted either by technical bodies with the minimum of political superstructure or as elements in a wider system in which it is of secondary importance whether India takes part as a single political entity or as several."

Concerning Britain's responsibilities, the article says : "The first part of this responsibility is to be discharged in the constitutional settlement itself, Britain's obligations to the people of India or to special groups of them to whom she is pledged. Prof. Coupland shows that defence is part of a wider problem of security of the Indian Ocean Region and that settlement with the States is a problem in state-craft rather than contract. The touch-stone is, the British power should identify itself not with States as such, but with the best in the States and with the States' best interests. Likewise, obligations to minorities cannot consistently with our policy of self-determination for India, be discharged by retaining special powers of intervention or even appeal. They can only be discharged through our ratifying a constitution which is accepted by the communal leaders themselves as providing inherent political safeguards for their vital interests. Prof. Coupland approves the idea of a declaration of communal or cultural rights to be embodied in the constitution, but it is a very moot point whether these so-called rights can be expressed in such a form as to make a declaration worth more in practice than a piece of paper."

The article concludes : "The first and most onerous of all Britain's responsibilities is to bring about a state of affairs in which an agreed Indian-framed constitution is possible. To imagine that by some change of heart after the war is over, the chief parties and communities will be more ready to agree even on the character of the constitution-making body than they are now, while the unifying force of external danger is still at work, is, surely to delude ourselves. The British power must work strenuously, through Indian leadership, to effect a change over from dependence to Independence, by steady advance and from stepping stone to stepping stone, from point of agreement to point of agreement."

At a gathering in London under the chairmanship of Sir Frederick Whyte, Prof. Coupland referred to the Indian problem ond discussed at length his plan for constitutional developmenc. In doing so he characterised the present deadlock as mainly communal. He said that the

"stupidity" of Congress leaders was the cause of the growth of the Muslim League and its growing power. In fact the Congress made the Muslim League a great "power."

After the elections of 1937, "drunk with victory" the Congress went for complete power and decided to smash the Muslim League in the United Provinces. It gave an ultimatum to the Muslim League to merge itself with the Congress, threatening that there would be only Congress Government in that Province. Then the Congress launched what it described as the mass contact movement to bring the illiterate Muslim masses within its fold. Thirdly, it launched an agitation for democratic control of Indian States and to destroy the power of Indian Princes. This agitation meant further growth of communalism because the Princes were least communal and lastly Mr. Gandhi started speaking of the Congress instead of the Indian people taking delivery of India from the British Government.

Prof. Coupland asserted that the Congress was a predominantly Hindu body and its moves alarmed the politically conscious Muslims, so they rallied round the Muslim League. To-day the Muslim League undoubtedly represents the majority of Muslims who would never submit to the Congress domination. He said that the Government of India Act 1935 was dead and no further advance was possible in that direction. The *Act was based on two wrong assumptions, namely, India is a nation. Whereas the truth is she is not a nation. Secondly, Parliamentary Government was possible in India. Both these assumptions must be abanodned immediately.*

According to Prof. Coupland a solution was *possible only on the basis of the acceptance by the Congress of Pakistan in some form or other.*

Replying to the suggestion that the Congress was losing power, Prof. Coupland said that this was not true. The Congress was the most powerful body in India having among others the support of all young Hindus. In any solution of the Indian problem the Congress cannot be ignored.

Replying to the question whether he knew the religious faith and political affiliations of the present Mayor of the Calcutta Corporation which was mainly controlled by the Congress, Prof. Coupland said that he knew nothing about the constitution of the Calcutta Corporation, neither the position of various parties in it and also he did not know who was the Mayor of Calcutta.

Sir Ernest Hotson, ex-Governor of Bombay, did not share Prof. Coupland's view that Parliamentary Government had failed in India.

It is difficult to see how this fantastic scheme would cure the evil it is designed to remedy. For one thing, instead of two governments,—Provincial and Central, it establishes three, Provincial or State, Regional and Central. It weakens the Central in that it is made to become an agency of Regional Governments conducted by the block-votes of regions. The block-vote naturally is determined by the vote of the majority of the representatives and therefore it disfranchises the minority. Thus in the Northern two regions,—the Indus and the Ganjetic valley, the Hindu vote is suppressed while in the southern, the Deccan and West Indian, the Muslim vote is suppressed in the Central Government. Again in the four regions which must comprise the eleven provinces which is the province that is too small to be able to transact its own affairs and therefore requires the aid and intervention of the Regional Government. The smallest of them, Sind and Orissa leaving alone the North West Frontier which is a strategic province, are clearly not smaller than Switzerland which is divided into 22 cantons, each canton being a federating unit of the Swiss Federation. A Swiss canton is no bigger than one of our Tahsils in India.

And what are the departments in the existing Federal list which could be made over to the Regional Governments ? not External Affairs, nor Peace and War, nor armaments and expeditions, nor currency and coinage, nor exchange, nor Railways, Post and Telegraph, nor Customs, nor Income-tax which is being administered by the Provinces. There is hardly a portfolio which could be cut off from the existing centre and made over to an intermediate concoction which is neither fish nor flesh, nor good *dall-bhat.*

Mother Island gave independence to Dominions of its own race before the middle of the 19th Century. At the beginning of 20th century, it gave to South Africa—Boer race. In 1931, the Statute of Westminster gave legal status to the position of the British Commonwealth of Nations. It was not an end but it was a beginning. "This great Act supplied as nearly as could be a constitution for the British Commonwealth of Nations."

Mr. Leopold Amery, Secretary of State for India, who spoke at the meeting of the East India Association stated, "I have time and status again in Parliament and outside expressed the view that our particular type of constitution—in which the executive is dependent from day to day upon the support of the majority in the legislature, which in its turn may be entirely dependent on the decrees of a small party outside—is not suited to Indian conditions. "I suggest that the whole Indian deadlock is largely due to the assumption on the part of leaders of all parties in India that this particular solution which, by trial and error, we have discovered in this country is the only one. A good deal of anger and heat of the Indian controversy may be due to the fact that obviously possible alternative solutions will not occur to people as long as they can only get out by one particular aperture."

Prof. Coupland, in his speech, said, "India could not reach nationhood unless agreement could be reached between the Hindus and Muslims of British India and, secondly, between the provinces and the States. The cause of the widening of the gulf between the Hindus and the Muslims was unmistakable, he said, "It was due to the Congress Party's desire to take the British Government's place by itself. If this was the national desire on the part of the revolutionary nationalist organisation, the Muslim League's reaction to it was also natural, for it meant a permanent Hindu raj not only in the seven Hindu majority provinces, but also at the Centre. Rather than that, the League, with the bulk of Muslim opinion behind it, has committed itself to Pakistan."

Regarding the working of the present constitution, Prof. Coupland observed, "It had been proved that parliamentary government of the old British type had proved unsuitable to Indian conditions. It was widely recognised in India that one-party government must give way to a coalition government and that since the expectations of the authors of the 1935 Act had not been fulfilled, a coalition government should be made statuotry under the new constitution. Parliamentary Government had also proved unsuitable, because, in the absence of a well-established party system, it exposed the executive to persistent attempts in the legislature to overthrow it."

Professor Coupland pointed to the Swiss Constitution as meeting both these points. "It provides that all major cantons should be represented in the federal executive. Substitute major parties or communities for cantons and the requisite coalition government is obtained. The Swiss constitution also provides for a federal executive, which is elected by the Federal Legislature at the outset of its term and remains in office for the duration of that term."

Prof. Coupland said India needed a strong centre, but no federal centre of the normal kind would be acceptable to the Muslims in their present mood. The Muslims claimed that they were a separate nation and entitled to equal status with other nations—great or small. If that claim was attained, and it was naturally difficult for the Hindus to admit it, the conception of Centre must be abandoned. The principle, at least, of Pakistan must be adopted. Constitutional shape must be given to the concept of an Indian Muslim nation and that nation must be associated with the Hindu nation on a footing of equality.

Professor Coupland's unstinted praise of the Provincial Governments under Provincial Autonomy is worth quoting :—

"The general picture is encouraging. Everywhere order was maintained. Everywhere the finances were managed with prudence. Everywhere there was some progress in social reform. Congress achieved much more than its rivals in the matter of social reform, that its campaign against illiteracy and its scheme of "basic education" showed enlightenment as well as zeal, that it struggled hard to cope with the problem of debt in the villages, and in some of its provinces, carried out some ambitious public works. Its conduct in discouraging and where need be, repressing communal feuds is admitted to have been excellent." These legitimate estimates are however followed by an imputation to Congress, of the sole responsibility for everything that had gone wrong in India especially communal feud. He has no word of criticism against a Government which had plunged the country into a war not her own. The fraudulent offer of August 1940 and with it equally, Churchill's offensive observations go unnoticed. The Muslim League escapes with a mild criticism for verbal exaggeration while the Congress is damned with the verdict that it is a totalitarian party. Was it wrong for the Congress to open its membership to every body that paid an annual subscription of annas four and signed its creed avowing its object as Swaraj (Complete Independence) to be attained by peaceful and legitimate means ? The only basis for the charge was that Congress—while selecting its Muslim Ministers did not seek them out from the ranks of the Muslim Leaguers who stood four square against Congress ideals. Prof. Coupland apparently imagines that the war began in 1936 and in the year 1937, Coalition Ministries should have been formed.

The object of Coupland's essay in Indian constitution is to achieve the purposes of the Muslim League without adopting the League's plan of vivisection. He tells us on the authority of Herbert Matthews, the correspondent of the *New York Times*, who had spent a year in India that "no influential Muslim can be found in the key province of the Punjab who supports Pakistan." He further admits that "the root of the discord was not religious persecution nor fear that the Government will ill-treat minorities." Nor did Coupland attach much importance to the list of Congress Government's misdeeds, such as was drawn up by the Muslim League. To him the bugbear is the absence of a homogeneous population. Was there, we ask, in Canada a century ago such a homogeneous population, or for that matter in South Africa? He would, therefore, provide for statutory coalitions and laid down the theory that Provincial Executives must be stronger than the Legislatures in the interests of stability. He quotes the troubles of pre-war Italy and France as due to the Legislatures being stronger than the Executives in support of his proposition. But as we write these lines (November, 1943), may we not quote the case of U.S.A. where the Republicans got the better of the Democrats in recent elections (1943 and 1944) and where the Executive supposed to be stronger than the Legislature was embarrassed by an adverse Senate —which is the House that really counts in the American Legislature.

It was good that Mr. Amery declined to express an opinion "since the future constitution was mainly a matter for Indians." At the same time, he stated that "Mr. Coupland's immensely 'fruitful suggestions' were addressed to India." Indeed it must be remembered that though Professor Coupland was a non-official, yet his association with the Cripps' Mission invested him with a semi-official capacity. And too these "immensely fruitful suggestions" were the considered alternative to the Act of 1935 against which Mr. Amery himself had spoken time and again, as unsuited to India, urging that the younger generation should make a genuine search for a different type of constitution. Lord Hailey, however, did not fancy the fruitfulness of these. He found something "very artificial" in the four regions and obscurity in their functions. He saw "an element of unreality" in the proposed constitution and opined that the Professor "had gone too far in attempting to meet the mathematics of communalism." Nor did he approve of the relative weakness of the Legislatures against the strength of fixed Executives. He regarded a weak Centre as a misfortune. Professor Ernest Barker took the strange view that Democarcy was not the majority rule but a rule by compromise between the majority and the minority as in the 18th century. He said he was attracted by "regionalism" but it tended to remain an airy idea in French and British speculation. "You cannot solve political difficulties," said he, by changing political counters and he wondered whether the reference to Switzerland was really fruitful and asked "may not Indians feel there must be responsible cabinets ?"

The reader may be interested in a study of the comparison of Right Wing and Left Wing in Politics and note that India quite realizes that the great strength of all Right Wing parties is the fulness with which they realize that an interest is more compelling than an idea. Conservatives may have their reserves about Disraeli and the late Lord Salisbury about Churchill or Chamberlain. The great source of their authority is that when the battle has to be fought they are all soldiers in the same army. Franklin's aphorism that they must hang together or else they will be hanged separately is realized by them.

That is the lesson the parties of the Left have yet to learn. Its mood is doubtless a progressive one. It is united in support of Mr. Churchill as War Premier, but the nation has not made up its mind about the instrument or even the procedure through which innovations have to be made.

Accordingly well may it be asked whether in pronouncing a condemnation of the principle of responsible government and its application to India, the test has been sufficiently long. Not a word was said on the failure of the scheme that obtained in Britain for over a century—not a Governor nor the Viceroy has uttered one syllable of condemnation or even criticism of Provincial Autonomy. The very League which has since become so vocal and vociferous as to rouse the sympathy of Professors that receive scholarships and Secretaries of State that receive salaries was silent throughout the 27 months of Congress rule in the 6 or 7 provinces. On the top of it Professor Coupland admits that he attaches no value to the list of misdeeds furnished by the League. Why then this elaborate untried and unknown scheme, which if it emanated from India would have been condemned outright ?

Professor Coupland's view that one-Party Government should make way for coalition governments in the provinces, is apt to be misleading in the way it is stated. The Provincial Congress Governments were never one-party governments. They were governments formed by the party one out of the several—that contested and succeeded in the elections. We suppose this is what they do in Britain in normal times. The Professor condemns in India

what he would recommend for England. His substitute is really akin to the Government model. His statement that there is no party system in India is wrong. He would make coalitions statutory and to this extent approaches the German model in that he reduces all distinctive parties into the statutory party and incidentally he makes the part greater than the whole.

In effect then, not one had a good word to say about the new idea of Regionalism, neither the left (*Tribune*) nor the centre (*N.S.N.*) nor the right (*Times*) neither the Indian Civilian (Lord Hailey) nor the British M.P. (Sir Edward Grigg), neither politician, nor professor (Earnest Barker). But the fact remains that the proposals were framed under high patronage. The Britisher wanted to keep before the world's vision, the fact that Hindus and Muslims were two different hostile groups, and wanted too to show that they were irreconcilable. While here in India, Lord Linlithgow was in his swan song, singing the praises of Federation and earlier of geographical unity, there in England Mr. Amery was encouraging a professor to frame new proposals which, as they turned out, would only complicate Indian polity and achieve the purposes of Pakistan—not by territorial division into two unions but by territorial and commercial disintegration of India into 4 divisions and so equalizing the majority with the minority at the Centre. If the object of these complicated proposals was to equalize the voting strength of the Hindus and Muslims at the Centre, why did not Coupland and Amery frankly and fearlessly say that the next step in the constitution which should be the final step, would only be taken provided the two communities agreed upon a half and half voting strength in the Central Government ? Why this circumlocutous way of effecting division on a communal basis really, though it looks territorial in outline ? Whether Cripps said it was to be provincial secession or whether Coupland said that it was to be regionalism, the purpose of both was the same,—namely to expose the Indian differences to public view, public ridicule and public condemnation. India's political malady like Bengal's food scarcity was man-made and the one effective remedy was to withdraw the hand that spread the infection. Then would the limbs of the nation so disinfected, come together and co-operate as one body politic. Instead of proposing this straight remedy, Prof. Coupland aggravates the distemper and proposes a treatment which is merely symptomatic and temporizing and not radical or rational. What India wants is a strong, Central Government, not one which has parted with some of its functions to the new regions and others to a new International agency and between the two is content to retain the name and form without the substance.

American and Swiss models which have been so highly praised as suited to India are roundly condemned by Prof. Beni Prasad. Says he: "The suggestion is open to grave objection. The Swiss collegiate Executive of eight ministers, practically equal among themselves and elected by the two chambers of the Legislature in joint session for a period of three years with eligibility for re-election, is absolutely subordinate to the legislature in policy and law-making. It has the merit of representing the French, German and Italian groups of cantons in the Federal Executive but that is a convention capable of reproduction into the Parliamentary system. The Swiss President of the Executive normally does not exercise much power—a feature which is hardly suited to Indian conditions. The relationship of the Executive to the Legislature imposes on the latter a burden which can be borne by it only in a country like Switzerland—small, conservative highly educated, free from serious inequalities in the distribution of wealth and neutralised in international law. It is significant that the Swiss type of Executive failed, whenever it was transplanted abroad, for instance, in the

State Government of Prussia, Bavaria, Saxony and the other German States under the Weimer Republic (1919-1933) and, partially, in the Irish Free State after 1922. If the Swiss model is adopted in India under an appointed Governor-General or governors, the Cabinet will labour under the additional disadvantage of serving two masters and run the risk of falling between two stools.

Nor is the Indian soil better suited to the American system under which a president is elected, nominally by a college of electors, actually by the entire body of voters, for a period of four years and is not responsible to the legislature. The experience of the last one hundred and fifty years has revealed that the system renders co-operation between the executive and the legislature difficult, necessitates extra-constitutional bridges between the two, throws too much power into the hands of party-managers and impedes swift and decisive action. Here, again, the retention of the Governor-General or Governors would introduce a serious detraction from the very principle of responsible government. If the political head of the Indian Executive under the so-called Presidential system is selected by the Governor-General or the Government, he would approximate to the position of the Chancellor under the German Imperial constitution or that of the Minister-President under its proto-type, the Japanese constitution.

Two further considerations deserve notice. In the first place, neither the Swiss nor the American model has a bearing on the communal tangle. It will leave the Hindu-Muslim problem untouched. The Swiss and the American models must be judged on their intrinsic merits as constitutional devices, their suitability to the political climate of India and their utility for the tasks of social and economic re-construction that lie ahead. It is irrelevant to advocate them as solutions of the communal difficulties with which the country is confronted. Secondly, it is premature to pronounce Parliamentary government unsafe for India. It was tried in the majority of the Indian provinces only for two and a half years—an interval too short in any case to justify a verdict of failure. As a matter of fact, the parliamentary executive achieved some excellent reforms and initiated some note-worthy policies in spite of grave handicaps. There is something too academic in imposing new brands of executive or legislature on a country which has been familiarised during recent years only with Parliamentary government and deserves a chance of adapting it to its needs through constitutional amendment, legislative enactment and convention. Indian political experience since 1937 cannot be held to have proved that a parliamentary government is unworkable in the country. What it has demonstrated is that the next step in constitutional development ought to be coalition government in these provinces as well as the centre. It is only after a fair trial of coalition cabinets that further steps will emerge into view. It is through such trial and error, through experimentation in terms of needs clearly revealed by practice that constitutions have developed in Britain, the United States Australia and other states. Neither India nor any other country can afford to jump from one type of legislature or executive to another in quick succession without giving any of them a chance to unfold all its possibilities."

## CHAPTER XXXI

### Pains and Penalties

Public anxiety became intense over the places and conditions of detention of Gandhi and the members of the Working Committee. In March 1943, the following information was elicited in the Assembly.

The provision for the expenses of Mr. Gandhi and those detained with him in the Aga Khan's palace amounted to about Rs. 550 a month, while that for the members of the Working Committee amounted to Rs. 100 a month each, said the Home Member Sir Reginald Maxwell in reply to Mr. K. C. Neogy in the Assembly.

There was no restriction on the receipt of articles of comfort by Mr. Gandhi, or the members of the Working Committee or on the books and periodicals which they were allowed to receive, if on examination they were found to be unobjectionable, the Home Member added. A large number of books, etc., had in fact been reaching the prisoners in question.

Neither Mr. Gandhi nor the members of the Working Committee were permitted interviews either with relatives or friends. In the case of members of the Working Committee this rule had been strictly enforced. In the case of Mr. Gandhi the rule was relaxed during his fast in February last year when a large number of friends and relatives were permitted to visit him and again recently when relatives were allowed to interview the late Mrs. Gandhi, during her illness, on which occasions Mr. Gandhi was also of course present. Two members of the Working Committee, Dr. Rajendra Prasad and Mr. Jairamdas Daulatram, were detained in their own provinces and the Home Member had no precise information

The treatment of political prisoners all over the country gave equal concern to the public. The rigor of the earlier months was relaxed and letters and interviews were generally allowed; the former some months later and the latter long after. Sometimes, the politicals and the goondas who were rounded up, were kept together as in U.P. Generally speaking medical advice was scanty and bad. There were complaints about clothing and shoes to political prisoners who were treated on a different footing to the detenus. Various scales of expenditure were allowed to detenus of different categories and family allowances voted, varied over a wide range in different provinces and in the same province in different districts and for different persons, for no known or conceivable reason beyond the personal equation of the officers concerned which undoubtedly gave rise to diverse vagaries. Khan Abdul Gaffar Khan's arrest as well as his later condition in jail gave rise to serious anxiety, as it was stated that force resulting in several bruises was used in regard to the former and callousness was shown in regard to the latter. Punitive taxes were freely imposed in the different parts of the country and collected in some places through stern measures.

In his Presidential address to the twenty-first session of the All India Medical Conference, Dr. Jivraj N. Mehta dealt at length with the grievances of prisoners. Recounting the touching incident when he was examining Kasturba, he remarked that Gandhiji was disallowed to speak with him by the Inspector-General of Prisons, who had little humanity at heart. Narra-

ting the jail conditions, he drew public attention to the gross inadequacy of the medical facilities provided in jails to prisoners and detenus. "The sanitary conditions were unsatisfactory in several jails. There was so much conjestion that the health of the prisoners and detenus suffered. Medicines were not easily available and sanction had to be obtained." He also remarked that the so-called milk that was supplied to them contained 50 per cent water and at times 70 per cent which is unfit for human consumption."

Speaking of jails in general, he observed : "In the jails of the Punjab and the U.P. for example, not even sufficient clothing was always available for the prisoners and detenus to ward off the rigours of severe winter in those provinces." These observations were of a prominent doctor who had spent nearly three years himself in jail.

In the Punjab, it was stated that security prisoners could not write letters longer than 20 lines. This came as a twin sister to the rule that they could not write letters in Hindi. Conditions in Ferozpur Jail were anything but desirable. Insanitary surroundings, want of drainage were factors in addition to the usual drawbacks and defects.

The Minister in charge of Jails was not allowed to visit the Fort in which political prisoners were confined. Mr. Manoharlal, the Minister concerned asked prisoners :"Are you not allowed interviews as yet ?" The idea was that the Premier was in charge of the Chief Secretary.

In the Punjab, released prisoners were placed under highly compromising restrictions and M.L.A.'s who were free could not attend the meeting of the Legislature. One member challenged the order—broke it and won in the courts.

In Kolhapur an outrageous event happened in that a woman was stripped of her clothes in the presence of husband and children and in regard to these serious allegations against the Kolhapur State Police Sub-Inspector, Mr. B. G. Kher demanded an independent political enquiry in the following statement :—

When I was at Kolhapur in December last in connection with the conference of the Praja Parishad workers, the subject which considerably agitated the public mind was the ill-treatment by the Kolhapur State police of a woman, named Mrs. Kashibai Hanbar, with a view to extort information from her about her absconding son, who was wanted by the police. By a resolution passed at the Kolhapur State Workers' Conference on the 9th December, 1944, a committee was formed, consisting of Mr. M. D. Shrashthi, Mr. Tendulkar, Mr. Karmarkar and Mr. Y. N. Deshpande, all well-known Vakils of Kolhapur and a report submitted about the allegations made by Mrs. Kashibai Hanbar. This committee held its inquiry and prepared its report on the 5th January, 1945. It was published, together with a supplementary report on the 15th February, 1945.

"It appears from the report that the conclusions at which the Committee arrived are that the Fouzdar Ingavle stripped Mrs. Kashibai of her clothes in the presence of her husband and her children and beat her mercilessly. The Committee holds that there are grounds to believe that further atrocities were committed. The police officer in question was actually found guilty of having assaulted two other persons in the case, and was reduced to Jamadar after a departmental inquiry. Then the Praja Parishad workers approached the Prime Minister with the request to hold a judicial inquiry into the incident by appointing an independent judge but their request was refused. As in my opinion there are good grounds to believe that the police

officer in question was guilty not merely of an ordinary assault on the husband of the woman and other persons but more reprehensible conduct, I addressed a letter to the Prime Minister of Kolhapur State on the 15th March, 1945, of which the concluding paragraphs read as follows :—"I am told that not only the public of Kolhapur but also a considerable section of the public in British India fully believe that the complaint is substantially true : that it is true is beyond question : the Sub-Inspector in question behaved in the most brutal and barbarous manner.

I would, therefore, request that, in order to restore confidence in your administration of justice, you should direct that a judicial inquiry should be held in the matter by an independent judge. The conscience of all civilised men and women is shocked."

Here is a report from London of the case : "Amidst pre-occupations naturally arising from war, the British public still displays the keenest interest in purely domestic matters, especially such questions as the proper administration of justice. This week, there has been sharp popular indignation over the High Court's castigation of three Justices of Peace—two women and a man—at Hereford who, sitting as juvenile court, ordered an eleven-year old boy to be birched for some boyish misdeed.

Reviewing the case on apppeal and quashing the conviction, the Chief Justice said these local Honorary Magistrates had not only disregarded all rules laid down for the conduct of such cases in juvenile courts, but had done everything wrong they possibly could. Another appellate Judge said the woman chairman's affidavit on the case made the matter worse and the whole affair was outrageous.

A writ for damages has been issued on the boy's behalf against the Justices and Mr. Herbert Morrison announced in Parliament yesterday that a public inquiry into the whole conduct of the case will be held by Lord Justice Goddard. In the meantime, the Justices concerned will not act. Public uproar over the affair continues with columns of editorial comment and pages of letters. It has become a *cause celebre*. The Lord Chancellor has required the Justices' attendance in London for interview with him and when court action is heard, the whole nation will almost forget the war in its absorption in the case. The episode again proves that people and courts in this country rigidly insist that justice must not merely be done but must manifestly be seen to be done."

The cases of whipping ordered by Magistrates ran into thousands as explained by Mr. Amery in the Commons and the complacency, one had almost said, the levity, with which the subject was handled in relation to India stood in glaring contrast with the sense of horror, nay tragedy that characterized its treatment in England as seen from an event which occurred during this War. A boy aged eleven was sentenced by a Bench of Magistrates of whom two were women, to whipping. There was at once a furore raised in the Parliament. Herbert Morrison suspended the execution of the sentence. The Lord Chief Justice summoned before him the Magistrates for interrogation and the three Magistrates were suspended. The Home Secretary promised an investigation of the whole affair. That is how self-governing nations regulate their penology but in India it is not a science nor is Government a humane organization.

It would be interesting to compare the levity with which whipping sentences were awarded in India with the seriousness with which even in the army whipping was viewed 110 years ago.

**Soldier Politician**

The story goes back to 1832 and the Reforms Bill. S. was a soldier dutiful and meticulous in the observance of discipline which prohibited him from taking part in politics. Anonymous letters were sent out of the barracks however on a demonstration day in Birmingham in favour of the Reform Bill. S. came across an anti-Reform newspaper while on sentry and wrote out a reply to the press. The handwriting was identified, the man instead of being hauled up for it, was given an unmanageable horse to ride and when after hard effort he failed to manage it, gave it up as such. He was put into the guard room, arrested, and questioned by Major Wyndhan, admitted his authorship and was delcared guilty of treason but was punished for disobedience of the sergeant to ride the horse; he was summoned to a court martial for treason and within 10 minutes, was ordered 200 lashes in the presence of his regiment, was given 100 and as a young soldier was excused the rest. He had only one suppressed groan. He said he would make this known better all over England. "This shall be heard of yet. I shall make it as public over England as newspapers can make." It became public, an enquiry was held and it was decided that Major Wyndhan had acted injudiciously. The King expressed his regret that an officer so free from reproachment, should have been so deficit in discretion. £ 50 was offered to him for sitting for an effigy. He took enough money from Public to get his discharge from the army.

The tragic story of Rifleman Clayton's imprisonment and death furnishes an object lesson in discipline or the lack of it and in medical examination and its inefficiency. An unfit man of 40 was passed into the army, kept there where he steadily deteriorated, and still under certificate of fitness for punishment, sent to the Detention camp more or less dying on his feet from tuberculosis. Sir James Grigg, Secretary for War, promised to set up a High Court Judge with jury, preferring it to a military court. The case which ended the previous week at Kent assizes with verdicts of guilty against the two non-commissioned officers from the Gillingham Detention Camp, shocked public opinion. They were charged with manslaughter of a most unfortunate private soldier, a cripple aged 40, deaf and tuberculous. Both were sentenced because the person was sent to detention as medically fit for his punishment, received in camp as equally fit and requiring only medicine and duty. (*Manchester Guardian*, July 9, 1943).

The Rev. R. R. Keithan whose name is familiar to students of Congress history as that of an American Missionary who had in a previous movement shared a similar fate,—was, when he was attending the Students' Christian Camp at Chengelput, was served with an order of externment by the Madras Government from the Madras Presidency under Rule 26 of the Defence of India Rules. He left for Bangalore forthwith. He was externed from Mysore and in leaving India made the following statement :—

"We are asked to leave the land which we love, have served and now claim as our own. From many parts of India your kind thoughts and prayers have poured in and deeply touched us. May we assure you of our heart-felt appreciation and determination to carry on the work for India, no matter where we are. For nearly 10 years, we have given ourselves to constructive work in Indian villages and slums. We have tried to direct youthful and enthusiastic energies into creative channels and not without result.

The Allied nations are in grips with great forces of evil. We rightly claim to be fighting for the greater freedoms of life and that these must become universal, especially in our own India. We believe that most people are convinced that a just and durable peace must be built only upon the great constructive and creative forces of life, truth and love. At least, we are of strong conviction that such peace cannot be built upon the basis of violence and dishonesty that have been so conspicuously associated with Nazism. Although we could not conscientiously take part in any violent attack on Nazism, yet in view of the great sacrifices on the part of millions in the Allied nations, we have felt compelled to implement such effort through means in which we do believe. That seems to be our present crime for which we understand we are to be deported. We welcome any suffering that may lead to the more abundant life for all that will bring us to a fuller realisation of truth. We know your prayers and blessings are with us. And we look forward to that happy day when we may again return to your midst."

**Detenus:**

It is a clear understanding in administration that when a person is not tried in a Court of Law but is simply ordered to be detained whether he is rich or poor, he must be granted a suitable allowance for the maintenance of himself and his family. During the Individual Civil Disobedience Movement not only were no allowances given to the vast majority of detenus but the maintenance charges allowed to the detenus in Madras stood at 1½ annas to detenus of Division II and annas 4 to those of Division I. After eighty detenus had gone on hunger-strike in the Vellore Central Jail for 19 days, the amounts were raised to annas 4 and annas 8 respectively, while only a few less than half a dozen out of 250 detenus received family allowances ranging between Rs. 5 and Rs. 35 a month. The detenus allowances were since raised to Rs. 1-4-0 and Rs. 1-12-0 per detenu.

During the years 1942-43, however, the policy relating to allowances showed a slight improvement. In Madras 185 detenus received allowances ranging from Rs. 15 to Rs. 100 while in Bengal a less niggardly policy was followed mainly on account of the fact that for years there had been off and on thousands of detenus and the principles of their treatment had been fixed on a scale not altogether parsimonious or grudging. The abnormal rise in prices of rice in Bengal to 8 or 10 times the normal prices, necessitated a serious revision of the scale of allowances and in June 1943, the Government of Bengal decided that "subject to the condition that the allowance granted to a family should, in no case, exceed that part of the security prisoner's income of which he is deprived by reason of detention.

Much of the most harrowing tale relates to the arrest and detention of Shrimati Amrit Kaur, sister of Raja Sir Maharaj Singh and the tale may be told in an authoritative account of what happened.

"She was arrested at 8-30 p.m. at Kalka. She was informed that she was to be taken by car to Ambala Jail and was allowed to take with her, her bedding roll, a bag containing her spinning wheel, her Bible and Gita which she insisted on taking and her brass vessel for drinking water. Her suit case containing her clothes was not allowed with her as she was told that she was sure to be sent to Lahore—the only jail for women detained or sentenced for more than one month in the Punjab, within a day or so. She was, however, never sent to Lahore and had to manage for a month on one change of clothes. She was landed in Ambala Jail at 1 a.m. or so and taken to the Women's ward. Its filth was indescribable. The excreta of pigeons and rats by the dozen were her constant companions. There was a foul smelling latrine in the

living room which she refused to use on hygienic grounds. There was nowhere to bathe except in the open. No repairs had been done for ages—large pieces of mud plaster were falling away. One such fell on her shoulder one day but she escaped with only bruises. There were no food arrangements for her after being arrested at 8-30 p.m. She was given badly cooked thick *chapati* with equally badly cooked unclean *dal* served cold and in a filthy platter at 1 p.m. the following day. She was unable to eat it. The same thing was given again at 5 p.m. and again the performance was repeated the next day. On the third day, she was so hungry that she tried to eat the bread but with disastrous results to her inside. On the fourth morning, the Jailor had pity and gave her 2 ounces of milk from his own house for which she was grateful. Within a week she had to be put on the hospital list and from then onwards she began getting a little milk and some vegetable and a loaf of bread daily. The medical authorities were her salvation. After 3 weeks' solitary confinement, five co-workers from Lahore including the brave Satyavati of Delhi were sent to keep her company. They were not allowed any books to read, no newspapers and not a scrap of paper on which they could write. When the other sisters came, they demanded that their food should be cooked in their own little courtyard. They were given *thals*, *katoras* and *glasses* and were altogether much better off from then onwards. Arrangements were also made for a bathing room inside. It seemed in the first instance, Shrimati Amrit Kaur was to be treated as an ordinary criminal and therefore the Superintendent, etc. with all the goodwill in the world (which they certainly had) were unable to do much. On three occasions when the other sisters were not there, her morning meal was forgotten to be given to her ! After about 8 weeks she was reduced in weight by over a stone and was served with an order to leave the jail and escorted by police and left in her own house, strictly interned in it for over 20 months. She lost her brother while in jail. Her letter to her sister-in-law was not even allowed to be sent." This is a tale that the nation would never forget. And with this tale is associated the episode of Mr. Penderell Moon, I.C.S. When his letter to a brother of Shrimati Amrit Kaur was censored and he was asked to explain, he prepared to resign and felt he had not served India long enough for a pension.

There was again a serious failure promptly to release a prisoner acquitted in appeal in the Punjab, the story of which would make interesting reading were it not for the callousness involved in it.

During the question hour in the Punjab Assembly S. Sohan Singh Josh asked on behalf of S. Teja Singh Swatantra if on a revision petition made by S. Rajwant Singh of Gujerat District, the Lahore High Court reduced his sentence from three years to one year on August 27, 1943, when S. Rajwant Singh was himself present and whether he had already undergone more than one year inclusive of the remission on that day (August 27, 1943). He further asked if the warrant regarding the reduction of the sentence was sent to the Lyallpur Jail on October 4th, 1943 and why so much delay was caused.

While replying in the affirmative to the question Sir Manohar Lal said that the delay, which occurred in the course of transmission of the reduction warrant was due partly to the absence from the station on account of vacation of the Sessions Judge, who was to issue the necessary revised orders to the Jail authorities and partly to the up-to-date information being not available in the office of the Sessions Judge about the jail in which the prisoner was confined at the time.

The state of affairs as revealed in the questions and answers on the floor of the Bengal Legislature was appalling and the enquiry was on every one's

lips as to what the Ministry would do. The Premier of Bengal stated in a brutally frank manner that any promises in this behalf (Enquiry into Midnapore affairs) by his predecessor in office did not bind him. Fazlul Haq's promise of an enquiry was repugnant to the then Governor late Sir John Herbert who not only put his foot down upon it but also undoubtedly regarded it as one of the prominent reasons for terminating his Premiership. The growing atrocities alleged on both sides, people and police, against one another called for a vigilant enquiry and Sir Nazimuddin's vacillation was revealed in the complete answer he gave on the floor of the House :

"So far as the Police are concerned, I am prepared to enquire and if there are any excesses....." and demanded of the other side as to what they would do "to help stopping murders, kidnapping and extortion of money."

While the Government of India were constantly emphasizing the view that the detentions were preventive and the position was even mentioned in the charge sheet presented to the detenus, the Premier of Bengal replying to the motion of Mr. Humayun Kabir to make the lot of detenus more bearable said that the assistance given to the family of a detenu "should be of such a character as not to do away with the deterrent character of detention. One thing that kept away a man from pursuing subversive activities was his knowledge that the deprivation of his income would cause hardship to his family." Obviously an Indian Premier of an autonomous province was out-Maxwelling Maxwell.

In Bihar, Orissa and Madras a roving commission was appointed to go into the cases of detenus who chose to provide memoranda representing their position under the new ordinance. In July 1943, when the Central Assembly met Mr. K. C. Neogi, brought to the attention of Government the report that he had heard about the existence of a certain underground vault in the Delhi Fort and the confinement of certain political prisoners therein and he wanted Government to clear up the matter but the Home Member apparently took no notice of the enquiry, at any rate, he made no reply to it on the spot.

The cells were constructed in 1941. They were about 16 feet below ground level, but in front of the cells was a space at least 23 feet wide open to the sky. Since the cells did not receive the direct rays of the sun they were somewhat dark, but they were of good size and sanitary, and were quite suitable for detention for short periods of persons who were under interrogation. It was for that purpose alone that they were used.

To a question put by Pandit Kunzru Mr. Cornan-Smith said prisoners could not be kept for more than one month ordinarily and in no case could they be kept for more than two months.

The voting on Mr. N. M. Joshi's amendment asking for appointment of a committee for the review of cases of detenus resulted in a tie of 39 against 39 and with the President's casting vote it fell through.

The Bombay Government's order under the Criminal Law Amendment Act on Bachhraj and Company in January 1943 informing them of their intention to forfeit the sum of Rs. 72,800 as the Government were satisfied that the money was intended to be used for the purposes of the A.I.C.C., was challenged before Mr. Mark Noronha, Chief Judge, small causes. The Chief Judge held that two other petitioners who claimed to be primary members of the Congress were not aggrieved parties and later confirmed the confiscation order.

The Additional City Magistrate, Poona, sentenced S. R. Biwalkar to six months' R.I. and fined him Rs. 100, in default two months' further R.I.

for being in possession of a copy of the Gujarati version of the proscribed book *Quit India*.

Shantaram *alias* Hanumanta Anant Gumasta Deshmukh belonged to Khanapur, District Satara, arrested in August, 1942, relatives got no news of him since. Till August 1944, people at home waited for news and saw then the District Magistrate, Satara, who told his wife and brother-in-law that Shantaram would be released and return home in 2 months. As the relatives were waiting for the news assured, they got a letter of the news of his death. Then of course, the relatives could not believe it and asked the Jail authorities for his clothes, which they were informed were buried with the body. Shantaram's brother-in-law sent all this information to Rabhai Mandlik, M.L.A., who wrote to Jail authorities (I.G.P.) and in one month received a reply to the effect that on 19-12-1942 Shantaram died in the Belgaum Central Jail. At that time, an epidemic of gastro Enteritis was prevalent in the jail and Shantaram fell a victim to it. The news of his death was sent to his wife through a letter to the P. S. Inspector of Vitta Taluka on 13-12-1943 (one year after). The news that the clothes were buried with the dead body was wrongly given in this letter and regret was expressed over it. The dead body was burnt. The letter of the news of the death was never received by the wife nor did the Vitta P. S. Inspector inform his family, and the fact that the District Magistrate wrote that Shantaram would return in 2 months shows that he too was not informed.

**The Civilians :**

Evil fate rode over the Civilians in this war. Mr. Nigam of Ballia was relieved of his office along with his D.S.P. Mr. Riazuddin while Day of U.P. under like conditions got a job in Jeypore. The former two were removed as per a communication dated, Benares, February 26, 1944. It is believed that the Collector had ordered some Rs. 50,000 worth currency notes to be destroyed. Mr. Penderel Moon, I.C.S., Punjab, for writing a letter to Smt. Amrit Kaur's brother about her bad treatment and refused to receive a pension. Mr. Blair of Bengal was asked to resign for writing against the Bengal Government. A Madras Civilian, Secretary to Government, was transferred to an obscure place for a letter to his wife not received by her, from some one, in which a reference to war was said to have been made. Mr. Lal, I.C.S., Punjab, got a decree in the Punjab High Court against his dismissal by Government. Mr. R. K. Patil, I.C.S., C. P., resigned as he did not agree with Government's policy in the movement. Several other Civilians were hauled up for reasons unconnected with the movement.

Two boys of 8 years of age were imprisoned in the Rajpipala State in August 1942 for sabotage and they continued in prison till December 1944 and later still.

Mrs. Aruna Asaf Ali had against her a case for alleged disobedience of the Chief Commissioner's orders directing her to appear before the Superintendent of C.I.D. Police within 10 days beginning from September 7, 1942.

Mrs. Asaf Ali failed to appear before the Superintendent of C.I.D. Police and she was later on declared an absconder.

At an auction held of the belongings of Mrs. Asaf Ali who was declared to be absconding, a Baby Austin car was sold to the highest bidder of a little more than Rs. 3,500.

So was her house sold for Rs. 20,000.

Lala Feroze Chand, formerly Vice-President of the Servants of the Peoples Society, Lahore, who had been in detention since August, 1942 was taken from the Sialkot Jail to the Lahore Central Jail. L. Feroze Chand was handcuffed.

Shri Jai Prakash Narain is a well-known Socialist. That he had radical differences with the Congress in point of the means of attainment of Swaraj as embodied in the Congress creed (Article I of the Constitution) and in regard to the technique, was evident from the letter attributed to him while he was in Deoli. When the Deoli Camp was broken up and the inmates were sent to their respective provinces, Jai Prakashji was sent to Bihar and detained in the Hazari Bagh Central Jail, from which however he made his escape on November 9, 1942. A heavy price was put upon his arrest and by degrees it reached the figure of Rs. 10,000. At one time, he was reported to have escaped to Nepal, later he was reported by the Bengal Ministry as having been in Bengal, but left the province by the time the C.I.D. learnt about his arrival. Finally, he was arrested in October,—by whose orders or in which province, Government would not reveal. In the end, however, he was kept in custody in the Punjab. The Punjab Government stated that he was being given the treatment of 'A' class prisoner. On the 7th November, an attempt was made to move an adjournment motion in the Punjab Assembly but it was disallowed on the 9th November. A *Habeas Corpus* petition was filed in the Lahore High Court in his behalf. The petition under the *Habeas Corpus* in respect of Jai Prakash Narain's arrest had curious sequelæ in relation to his counsel. The immediate arrest of Mr. Pardiwalla, an advocate of the Bombay Bar who had travelled all the way to Lahore to file the aforesaid petition was followed by another *Habeas Corpus* petition in respect of the latter's arrest but he was released within three days. Government did indeed beat a brave retreat, especially after the severe remarks of the Chief Jusitce of the Punjab High Court that they would take serious notice if they were satisfied that an Advocate in question was really arrested only for discharging a professional duty, namely filing the petition on behalf of Jai Prakash Narain. With regard to the latter, affairs took a sudden turn when three weeks before the petition was due to be heard by the Lahore High Court, the Advocate General informed Jai Prakash Narain's lawyers that the Law under which J. P. Narain was arrested was changed from Defence of India Act to Regulation III of 1818. This would obviate all scope for *Habeas Corpus* proceedings posted to 15th December, 1943. When the Advocate-General's petition was admitted by the Lahore High Court, a curious conversation took place between the Chief Justice and the counsel for the detenu. On December 7, the *Habeas Corpus* application filed by Smt. Purnima Bannerjee on behalf of J. P. Narain was dismissed by a Division Bench, consisting of the Chief Justice, Sir Trevor Harries, and Justice Sir Abdur Rehman.

An additional circumstance invests the Pardivala case with peculiar interest. Two days after he was arrested, he happened to see a C. I. D. Inspector in Jail to whom he handed an application to be presented to the Punjab High Court which dealt with his unlawful and unexplained arrest. This application did not reach its destination. Apparently, the Police had no charges against him and must have been hard put to it to explain their conduct and he was released in two days. It need hardly be pointed out how the release of Mr. Pardiwala, four days after his arrest and the change of Law from Defence of India Act to Regulation III of 1818 in the case of Jai Prakash Narain showing up as they do, officialdom in all its unabashed nakedness. The non-transmission of the application reminds one of a parallel event that took place in respect of a Captain in England which was severely

commented on when it finally went before Justice Humphreys in the King's Bench Division and which resulted in securing an apology from the Home Secretary, Sir John Anderson and evoked the following remarks in the judgment :

> "Some one whose name the court had not got and whose petition they did not know, intercepted that document and did not forward it to the court to whom it was addressed. That official thought that was not the proper way to put it before the court. It was no business at all of that official to form such a conclusion. It certainly was a piece of great impertinence on his part to take on himself to do what he did."*

Verily out of evil cometh good but sometimes more than expected. One good result of Pardiwala's arrest was that the High Court of Lahore on an investigation of the matter of his petition to them from jail, not having been forwarded thither, discovered that that was not the only petition so dealt with and called up all pending petitions from prisoners in jails and from Government. A second but far more important piece of good was that an adjournment motion to censure the Central Government for its "reign of terror" was successfully carried on the 9th of February, 1944 arising out of the arrests of Lala Vaijnath of the Agra Bar and Mr. Pardivala of the Bombay Bar for ostensibly no other reason than that they were appearing for the accused in several political cases.

An offshoot of the Pardivala case was that the three Police Officers had been prosecuted for contempt of court because they had not transmitted the petitions of Pardivala to the High Court. Mr. Robinson, Special Superintendent of Police (C.I.D.) and Mirza Asdaq Baig, Sub-Inspector of Police (C.I.D.) were held guilty of a technical, though not a substantial contempt of court in Pardivala case, by a full bench consisting of the Chief Justice, Sir Trevor Harries, Mr. Justice Abdul Rashid and Mr. Justice Abdur Rehman, in the Lahore High Court.

As the case against Mr. Wace, D.I.G. Police (C.I.D.) was not pressed the petition against him was dismissed by their Lordships.

In this trial Mr. Robinson, Superintendent, C.I.D. (Special Branch), in the course of his examination stated that he was acting on behalf of the D.I.G. and claimed that he was fully entitled to act as he desired. In answer to the question whether it was the practice of his department that one officer acting for another could destroy a letter addressed to the officer concerned, he said he could not give any general reply. All that he could say was that in this particular case he was acting for the D.I.G. He did not attach any importance to the letter in question as he knew that there was a document addressed to the High Court. To a further question whether he thought that he was entitled to destroy it, he said "I thought that it was meant for asking for his release and as Mr. Pardivala had been released there was nothing more to be done. I foolishly had that document destroyed knowing that it was addressed to the High Court. I was trying to save worry to everybody concerned with those letters because the release order had been passed and the person had actually been released."

Some parallel cases occurred in England which showed up the Defence Acts and Rules and one case,—that of Suresh Vaidya may be taken as a case in point. Suresh Vaidya was brought under the operation of the Conscription Law of England but he resented. He was finally discharged from the army

* For full judgment of Justice Humphreys see the section headed "Warfare between the Executive and the Judicial."

by the Court of Appeal. One curious point was that he was referred to by the *New Statesman* (February 19, 1944) as "a Muslim by creed and a Mahratta by race and as a spirited man whom any army would wish to recruit as a willing soldier." "But he is an Indian patriot" says the writer, "who resents the fact that his country was pitchforked into this war without her consent. Accordingly, he refuses to serve. Legally he was liable to conscription. But compulsory service was never imposed on India. On moral and political grounds that constitute a strong case not indeed of formal exemption, but for a tacit decision to leave him alone." Public opinion was a good deal outraged by this case and in the end he was discharged.

**Mosley :**

The contrast between conditions in England and in India regarding political prisoners was well brought out by and may further be studied in respect of the way in which Herbert Morrison, the Home Secretary released in November 1943 Sir Oswald Mosley and his wife against the outcry of the populace for their detention as contrasted with the way in which Sir Reginald Maxwell, Home Member, Government of India continued to keep some 19,000 security prisoners and detenus against the outcry of the whole Indian population for their immediate release. Oswald Mosley, who by the way, was a Socialist at one time and was the son-in-law of that prancing Pro-consul of India, Lord Curzon, became, in due course on the death of his father who was a baronet, a Black Shirt and Fascist, the acclaimed leader of British Fascists and friend of Hitler and Mussolini and a baronet himself. There is something chimerical and grotesque in setting at liberty the avowed friends of Fascism in England and putting in prison the avowed enemies of Fascism in India.

While the Home Secretary in Britain was disclaiming all prejudices of a political character in dealing with the Fascist leader, Sir Oswald Mosley's case and avowing that his decisions were not wholly judicial, here in India, Sir Reginald Maxwell and some of the minor luminaries in the Provinces were openly and unabashedly swearing by 'political reasons', by saying that until the Bombay Resolution of the Congress of August 1942 was withdrawn, Congress leaders could not be released. But more, the Punjab Premier went the unconscionable length of declaring in March 1943 that those detenus who were released on medical grounds, would have to go back to jail on recovery and in the meantime could not attend a session of their Legislative Assembly when they were members of it. It was obvious then that where Sir Oswald Mosley was for medical reasons released, even such reasons would not count with the Punjab Premier who went farther than Herbert Morrison, the British Home Secretary. Where detenus fall ill in jail, and were released on medical grounds, it must be presumed that it was the jail life that brought about the illness and only freedom from its rigours and, with it the free play of the emotional factor in addition to physical aids and diet and medicines would bring about a cure. But according to the Punjab Premier, Sir Khizar Hyat Khan's dictum, the prisoner who fell ill, too ill to recover in jail, should on release and recovery, return to jail—only to fall ill again ! And he must have known that a second illness is always more difficult to recover from than the first, if a recovery be possible at all. Very often, English bureaucrats and Indian *johukums* in India quote English practice as supporting their conduct against democratic usage and custom. Apparently, they justify repression on the basis of their principles of security and deny freedom to their own people on the basis of their (latter's) serfdom !

An interesting complication ensued in connection with the arrest of the Nagpur Editor for publishing in the *Nagpur Times* and the *Hitavada* what purported to be the grounds for the detention of some of the C. P. detenus in Jubbalpore as furnished to them by Government. When the case was actually on trial in May, 1944, it was discovered that these grounds could not be cited in the court even by Government in reference to a trial. Accordingly at the last moment the concerned ordinance (the sub-sections to Section 11) had to be and were amended.

**Underground work :**

It may be remembered that Gandhi in his truly inspired speech in Bombay on August 8th said : "Let there be no secrecy. Secrecy is a sin. There should be no underground activity." This caution and warning may be contrasted with the view of President Roosevelt when he speaks of the underground workers in his Christmas broadcast (1943) :

> "It has been our steady policy and is certainly a commonsense policy that the right of each nation to freedom must be measured by the willingness of the Nation to fight for freedom. To-day we salute our unseen allies in occupied countries, undergound resistance groups and armies of liberation."

If in India, an underground movement developed with which the Congress was erroneously associated by Government, the situation must be regarded as one that was on all fours with the course of events the world over. The very people that condemned this phase in India praised its development in France and Germany. In France it is said that half the population was served by underground newspapers. In Germany, there was a whole movement widespread, deeprooted, fighting the Nazi regime. Here is an appeal to German rail workers to sabotage to shorten war from London on February 11, 1945. An appeal from the SHEAF to German railway workers and foreign railway workers in Germany to sabotage Reich's rail communications to help to shorten the war was broadcast in German, Dutch, Czech, Polish and French by the British Broadcasting Corporation. Workers were told that this was a job that required great courage and involved grave risks—"greater courage than was shown by Dutch railway workers who answered a similar call in Holland. There the railway strike was a means of saving the lives of thousands of Allied soldiers and has been a source of very great strength to Allied military operations."

It was true that anyone so working knew that his life expectancy was but 2 or 3 years and such men called themselves "Dead men on leave." Governments would leave no stone unturned in trying to arrest such men as we have seen in India where a sum of Rs. 10,000 was fixed as a reward for information leading to the arrest of such workers as Shri. Jai Prakash Narain. The term "underground" is misleading for all suspects are under the "scientific surveillance of a dictatorship whether in Germany or Britain or India." Secret Police cannot be conducted on a democratic basis. But such workers have also developed their own scientific methods so as not to rouse suspicion, "by going through their daily routine of life ostensibly attached to some profession like Life Insurance or motor bus driving, by not conveying messages except in person, by not burning literature unburnt or half burnt bits of which would fly up the chimney and betray the secret, by avoiding Post and Telegraph and Telephone, by evolving a code language notably of numbers, by selecting birthdays and festival days to gather friends, by joining philate-

lic societies and photographic clubs, by not undergoing operations under chloroform lest when *under*, one might give away secret information, by developing a hunch for escape in critical situation when being followed up by the Gestapo, by taking quick advantage of a mistake of the Gestapo who enter a neighbouring house and carry out a search, by giving up invisible ink in favour of microphotography, by not carrying diaries on one's person, indeed by avoiding all diaries and slips containing addresses of friends, above all, by not betraying fellow workers despite torture and treatment by third degree methods." All these methods closely studied and described by Jan B. Jansen and Stefan Weyl in the *Atlantic* Monthly stand in glaring contrast with those of the Congress which has condemned secrecy and in that one word condemned all the methods described which are but elaborations of secrecy.

Much of the repression was directed against the discovery of the underground organization that had been despite the Congress obviously carrying on the revolutionary and subversive activities known as the "disorders". That it was there could not be denied. What could and should be denied was that it had anything to do with the Congress organisation. The fact was, as pointed out by Gandhi in his letters to the Viceroy soon after arrest, that the leonine violence of Government drove the people to desperate way and that through wholesale arrests of the Congress leaders, Government seems to have made the people wild with rage to the point of losing self-control. This was perhaps not all. There were people and parties,—however friendly they might have later become to war efforts, who did not believe in Non-Violence and when they realized that in Gandhi's arrest, Non-Violence itself was "arrested", they thought that their belief was not altogether amiss and accordingly must have given vent to their pent up feelings and convictions. The Congress was not there to "repress" them. These persons necessarily and naturally went underground and huge amounts of reward were announced for their arrest or information leading to their arrest. Hundreds of workers were *wanted* by Government but could not be traced. They were perhaps secretly running their own newspapers or sheets and leaflets and these are an inevitable part of a secret organization. So long as a movement is wedded to Non-Violence, so long there is originality but when once Non-Violence is shedded, the methods adopted are mere copies of the secret organizations of Europe. In this connection, an article contributed by Anna Zajuczkowska to the *New Statesman* (June 13, 1942) would be found relevant.

"The underground resistance in the German occupied countries, it is universally and gratefully acknowledged, has restored freedom movements in those lands and Mr. H. G. Wells in his plea for the ending of Wintson Churchill's Premiership in Britain says that "the various European Royalties are now sneaking back to claim the credit and express their condescending approval of the underground resistance movements that have sustained human freedom through its days of supreme danger."

Again The Polish Underground Army was well organized and extended all over the country. It had strict discipline and was well supplied with weapons." So ran an editorial note in the *Time and Tide* (27-11-1943)—"not for war on a big scale but for the secret warfare, it had to wage against a hostile army of occupation. Even women belonged to this army and played a heroic part in many of its most daring exploits. The army took its orders from its Commander-in-Chief in London. Its operations were integrated in Allied strategy as a whole.

Cases have occurred of the "wanted" persons on whose arrest, heavy rewards were placed or paid escaping from prisons or from custody. Suspicions that the people of villages were harbouring them and would not cooperate with the Police for their arrest gave rise to drastic ordinances in Bihar, so late as in July 1943 when a system of cordoning whole village was established and any one leaving the village was liable to be shot under an ordinance which was framed anew. Under cover of this, house to house searches were undertaken.

Is *Vande Mataram* a seditious song? Does it in any way infringe the provisions of the Defence of India Rules? Does it inspire people to do their patriotic duty for the defence of their motherland or does it provoke people to commit Fifth Column activities?

These questions arise from the reported action of the Bombay Board of Film Censors who have cut out the *Vande Mataram* song out of a Marathi film, "My Child."

Indeed, it appears that the proverbially indiscriminate scissors of the local censors have been rather busy of late.

In a Hindustani picture, "Raja" all references to Gandhiji and his ideals are said to have been cut out.

Is then the Board of Film Censors becoming an instrument of political censorship?

On the other hand we are surprised to learn that an American picture like "White Cargo" has been passed without a single cut. We have not seen this picture but from American papers we learn that it is a slander upon the dark races in which Indian women come in for some highly derogatory references, one of the remarks being that they marry only for the sake of "bangles and saries."

If the restrictions imposed on some of the released Congressmen are closely looked into, it will be found that their authors do possess some sense of humour. If the bureaucratic don'ts render life difficult, not infrequently they render it amusing too! Take the case of Lala Mohanlal of the Servants of the People Society. On the Ravi Road he can walk up to the Ravi river. But on the Mall Road he cannot go beyond the Post Office. An abrupt "good-bye" emanating from him as the "out of bounds" area is reached has surprised many an ignorant friend of his. Lala Mohanlal can enter the High Court by the back door, but he cannot enter it by the front door. As there is no attraction for him in its precincts, he will not mind, if the back door is also barred and bolted. But he may quite often feel the pinch of the invisible barrier raised against him on the right side of the McLeod Road which is adorned with a number of picture houses. He can emerge from the Mall Road on its left side and walk up to the Lakshmi Insurance Company building, but woe betide him if he crosses to the other side. He could see "Rama" at Ritz, but not "Shakuntala" at Regent a few hundred yards away. Nobody would contend that because Lala Mohanlal could not see "Shakuntala" life became an unbearable burden for him. The amusement provided by the restrictive order is indeed some compensation for the loss suffered by him!

In addition to the thousand that underwent the sufferings of jail, and the hundreds that lost health and property in the struggle for Independence, there were tens of patriots who gave up their lives in the service of the Motherland. A few outstanding cases are referred to here.

Death occurred by sudden heart-stroke, of Mr. Mahadev Desai at the place of his detention in Poona. Mahatma Gandhi was present at the cremation.

The Government of Bombay issued the following *communique*:—

"The Government of Bombay regrets to report the death at about 8-40 a.m. (15-8-'42) of Mr. Mahadev Desai who was recently detained under the Defence of India Rules.

"Mr. Desai was engaged in conversation with Col. Bhandari, I.M.S., Inspector-General of Prisons, and two of his fellow prisoners when he complained of giddiness. Col. Bhandari advised him to lie down and he found that his pulse was low and that he seemed cold. Dr. Sushila Nair, who is detained in the same building was sent for and she arrived at once. As the Civil Surgeon could not immediately be found, another I. M. S. Officer was summoned.

"Injections were given to stimulate the action of the heart and everything else possible was done to keep up Mr. Desai's strength, but he died from heart failure only twenty minutes from the time when he first complained of feeling unwell.

"Mr. Mahadev Desai, was cremated in the afternoon near the place of his detention after all proper arrangements were made in accordance with the wishes of Gandhiji, who was present at the cremation."

The following biographical sketch was published in the *Bombay Chronicle* by Syed Abdulla Brelvi :—

"Mahadev Desai was born about 50 years ago in a village in Olpad Taluka, Surat District. Having graduated from the Elphinstone College he joined the office of the Oriental Translator to the Government of Bombay. While serving in the Bombay Secretariat he attended Law Classes and passed his LL.B. examination. He left Government service and for two or three years he practised as a lawyer in Ahmedabad. Not finding Law congenial he joined the Bombay Provincial Co-operative Bank as Inspector of Co-operative Societies. This work brought him in touch with agriculturists in many parts of the Province, particularly Gujarat, and, while he was doing this work, about 1916 he came under the notice of Mahatma Gandhi and was attracted to the latter and soon becam one of the earliest inmates of the Sabarmati Ashram. He began work with Mahatma Gandhi as his Private Secretary and he died as such. He commenced his journalistic career as Assistant Editor of *Young India* and *Navjivan* when the latter were taken over and edited by Mahatma Gandhi in 1919. In 1920 he went to Allahabad to edit the *Independent*, but was soon sent to jail. He was, again, imprisoned in 1930 and 1932. He was with Gandhiji in Yeravada Jail when the latter undertook his memorable fast.

In 1931, he accompanied Mahatma Gandhi on his trip to England to attend the Round Table Conference. During the last quarter of a century no one came into more intimate touch with Gandhiji than Mahadev Desai who was his constant companion in his travels throughout the country. Mahadev was present at the innumerable interviews Gandhiji granted to all sorts and conditions of men and women, and meticulously took down notes of these interviews. He took down verbatim reports of all speeches made by Gandhiji at public or informal meetings. As Private Secretary from day to day he dealt with the voluminous correspondence of Mahatma Gandhi

There were few important public or informal conferences which the Mahatma attended at which Mahadev was not present. During the last few years a considerable part of his work as Private Secretary to Gandhiji, was shared by him with Pyarelal and others. Few had imbibed Gandhiji's philosophy so thoroughly as Mahadev and none had won his confidence so completely as he. It was not, therefore, surprising that Gandhiji entrusted to Mahadev many important missions which involved negotiations with high officials. As a mark of the great confidence that Gandhiji had in Mahadev as an interpreter of his philosophy, he appointed him as editor of *Harijan*. His devotion to Gandhiji was as touching and unselfish as it was firm and deep. To Gandhiji Mahadev was, indeed, more than an apt and able pupil, more than a son. What his death means to him one can but dimly realize. India has lost a sincere and devoted son. He leaves behind his widow and a son. Their great sorrow is shared by the country.

To many as to the present writer his death is the loss of a dear friend. The late Kanaiyalal H. Vakil, Mahadev, Vaikunth Lallubhai Mehta and the present writer were constant companions at college. The friendship grew with years.

Mahadev loved literature. He wrote forcibly and, often, beautifully. He was the author of several books, of which the latest was a biographical appreciation of Maulana Abul Kalam Azad."

Following is the text of Mahatma Gandhi's wire to Sewagram Ashram regarding Mahadev Desai's death in detention near Poona :—

"Mahadev died suddenly. Gave no indication. Slept well last night. Had breakfast. Walked with me. Sushila (Dr. Nair who also in detention) and jail doctors did all they could but God had willed otherwise.

Sushila and I bathed body lying peacefully covered with flowers incense burning. Sushila and I reciting Geeta (Shri Bhagwatgeeta). Tell Durga (Mahadev Desai's wife), Babla his son, Sushila his niece. No sorrow allowed.

Cremation taking place front of me. Shall keep ashes. Advise Durga remain Ashram but she may go to her people if she must hope Babla will be brave. Love. Bapu."

"One of the most moving memories", said Sarojini Devi: "I have of Mahatma Gandhi is on his last services to Shri Mahadev Desai after his death, which took place within a few minutes.

With trembling hands Gandhiji insisted on bathing the body with his own hands. He spent nearly an hour in annointing the body with sandal paste. It was with his own hands that he set fire to Mahadev's body. On the third day it was he who performed the final ceremony.

Just as Mahadev passed away, Gandhji was called from another corner of the building. He came and called, 'Mahadev, Mahadev,' but there was no response. Then Kasturba said, 'Why don't you respond Mahadev, Bapu is calling you !'

But it was all over. The spirit of the beloved disciple had already passed beyond the reach of his master's voice."

It was decided in 1945 to raise a suitable memorial in honour of Mahadev and raise for the purpose 52 lakhs of rupees. In connection with the second anniversary of Mahadev's death Gandhi made a stirring pronouncement :—

"The only fitting service that I can render to Mahadev's memory is to complete the work which he has left behind him unfinished, and to make myself worthy of his devotion—obviously a more difficult task than merely raising a fund for his memorial. It can be fulfilled only through divine grace.

"The 15th of August is the second anniversary of Mahadev Desai's death: Two or three correspondents have administered a gentle rebuke. The following is my paraphrase of the gist of their remarks :—

'You have become President of the Kasturba Memorial Fund Trust. Mahadev renounced everything for your sake and even laid down his life for you. He died at a much younger age than Kasturba, and yet, how much he achieved in that relatively short space of time! Kasturba was verily a *sati*, but while India has produced many *satis*, all will admit that it has produced only one Mahadev. If he had not chosen to throw in his lot with you, he might have been living today. His talents would have enalbed him to achieve front rank distinction as a servant and man of letters. He might have even been rich, brought up his family in all material comfort, and provided his son with the hightest education. Instead, he chose to merge himself in you. You regarded him as your son. May I ask what you have done for him?'

'These sentiments seem to me to be natural, the contrast between the two is too striking to be missed. Life still lay before Mahadev as ordinary standards go. He aimed at living up to a hundred years. The amount of material that he had piled up in his voluminous notebooks called for years of patient labour to work up. He had hoped to do all that. He was a living example of the wise who live and work as if they were born to immortality and everlasting youth.

"To Mahadev's admirers, I can only offer this consolation—that he lost nothing by his association with me. His dreams rose above scholarship or learning. Riches had no attraction for him. God had blessed him with a high intellect and versatile tastes. But what his soul thirsted for was a devotional spirit.

"Mahadev's external goal was the attainment of *Swaraj*, the inner, to fully realise in his own person his ideal of devotion, and if possible to share the same with others. The raising of a material memorial to the deceased's memory is outside my scope. That is a task for his friends and admirers to take up. Does a father initiate a memorial for his son? I was not responsible for the Kasturba Memorial. If the friends and admirers of Mahadev set up a committee to raise a memorial fund and invite me to become its president and give guidance for its proper use, I shall gladly accept it.

"The raising of funds is good and necessary. But a sincere imitation of Mahadev's constructive work is better. The monetary contribution to a memorial fund ought not to be a substitute for the more solid appreciation."

The second calamity that befell the Congress was the premature demise of Begum Zulaikha Khatoon, the wife of Maulana Abul Kalam Azad. She was not in the best of health when the Maulana was arrested in Bombay and the Maulana bore up the sorrow arising from her continued illness with fortitude and equanimity. The last days of the Begum's illness were agonizing to the helpless recipients of the news in their imprisonment as to the

dying patient. She was 45 years of age at death and had been ill for two years. A tribute to her by Maulana Saif Siddique is given here :—

"Begum Zulaikha Khatoon, the wife of Maulana Abul Kalam Azad was married to this illustrious son of India at a very tender age and just from that time up to the end of her life she had all along been a faithful and devoted wife to him.

" Her great husband because of his revolutionary tendencies and political bent of mind was constantly playing with fire, facing severe trials, hardships and sufferings. Naturally the troubles of her husband were affecting her the most and indeed she had the stamina to bear all those troubles with remarkable patience and fortitude—qualities which are generally so common in that sex. Her life was not a life of ease and comfort. She was born of a rich and well-to-do family but she died in poverty and amid hardships, although her husband was admittedly the most conspicuous and most illustrious personage in the country.

"On Thursday, 8th April last, her medical adviser Dr. Majumdar lost all hope for her and came out of her room in an exceedingly pensive mood. The doctor said if Maulana Sahib could come to her she would surely revive energy to bear this attack. At about 11 p.m. she all of a sudden revived some strength and requested to be fixed up in a sitting posture. She was made to sit up and she began to talk with each and every one of the family and servants and asked pardon from them all for the troubles they had to undergo because of her illness. The attendants were all delighted to see that she was gaining energy and was taking a better turn.

"She looked towards the door and enquired whether the Maulana Sahib had come. Being informed in the negative she sat quiet with closed eyes. She promised some bounties to the servants. She asked the *Quran* to be recited and the recital continued till she breathed her last at 6 a.m. on Friday morning."

The death of Begum Zulaikha Khatoon, wife of Maulana Abul Kalam Azad, President of the Indian National Congress, was condoled by the citizens at a largely attended meeting at Mahomed Ali Park in April 1945 in Calcutta.

The circumstances of the Begum's death would remain a painful memory for Indians for generations to come, observed the Hon'ble Syed Nausher Ali, Speaker of the Bengal Legislative Assembly, presiding over the function.

Standing in reverential silence, Hindus and Mussalmans, representing every political party in the province, adopted the resolution condoling her death and sympathising with Maulana Abul Kalam Azad in his bereavement.

There was unfortunately another bereavement of the Congress President.

In Bhopal on December 30th, 1943, death occurred after a protracted illness of Abru Begam, sister of Maulana Abul Kalam Azad, the Congress President.

The funeral was attended by Her Highness the Begam of Bhopal and leading personalities of the State. The deceased settled down in Bhopal and was a prominent worker for the cause of Bhopal women, whom she represented on several occasions at the sessions of the All-India Women's Conference. She was the Secretary of the Bhopal Ladies Club for a number of years and was also closely associated with the Red Crescent Society started by Her Highness the Begum of Bhopal to provide comforts and amenities for the Indian troops serving abroad.

Mr. S. Satyamurti of Madras passed away on the 28th March, 1943. He had been arrested in August 1942 before he reached home, on his return from Bombay and his death was a direct sequel to his arrest and transfer to Amraoti.

It is hard to believe that this young friend passed away. He had an air of perpetual youth about him. His eloquence of expression and ebullition of spirits, his sobriety of judgment standing in contrast with his volubility of speech, his courage of conviction and steadfastness of purpose, are abiding virtues that picture him eternally before our vision and make it difficult for his many friends to realize that he is no more.

Mr. Satyamurti was one of the most prominent Congress leaders not only of South India but also of the whole country. He was born on 19th August, 1889. He was educated at Maharajah's College, Pudukotah and Christian College and Law College, Madras. He was Advocate of the Madras High Court and Senior Advocate, Federal Court, India. He first came to prominence during the Home Rule days of the first Great World War of 1914-18. He was a member of the Madras Legislative Council from 1923 to 1930 and was a member of the Indian Legislative Assembly since 1935. He was Mayor of Madras Corporation in 1941. He visited England in 1919 as member of the Congress deputation and again in 1925 on behalf of the Swarajya Party. He was also a Member of the Senate of Madras University. He was President of the South Indian Film Chamber of Commerce and President of Indian Motion Picture Congress. He was also first Secretary and subsequently Deputy Leader of the Congress Party in the Assembly and Secretary and later President of Tamilnad Congress Committee. He went to prison four times in connection with the Civil Disobedience Movement in 1931, in 1932, in 1941 and again in 1942. On all occasions his health suffered in jail. In 1941 he was released from jail owing to illness. Mr. Satyamurti was a strong protagonist of Parliamentary activity and on several occasions in the past he successfully took a leading part in the agitation in favour of Council entry by Congressmen. He was also a very popular, fearless and powerful platform speaker and as Deputy Leader of the Congress Party in the Assembly, he took prominent part in debates and his orations were listened to with respect and fear by officials.

In the domain of India's politics and her striving for national emancipation, death has exacted a heavy toll from its votaries and while they are alive, life has entailed equally heavy sacrifices on them. Politics after all is ordinarily for the well-to-do man or the man who can command the necessary money for his purposes, and when one does not fall into either category, politics becomes a highly risky and embarrassing game betraying its devotees into narrow and intricate situations. Nevertheless thousands of young men sacrificed during these 25 years, their families, interests, their own health and prospects in life and not a few came perilously near the danger point to their probity and their very existence. Satyamurti was one of those who would have loved to be of service to his country as a Minister in charge of a Province or a department. But fates decreed otherwise. In the coming years, tens and hundreds of ministers will have come and gone, but the names that abide in history, in the *valhalla* of national heroes and martyrs would be of those who sincerely strove for the common good, shedding all thought of self, and cherishing their very wants and embarrassments in life as the forces that shaped the national destiny and hastened its early realization. One lingering thought arising from Satyamurti's death was that he was driven 90 miles in a rickety bus from Nagpur to Amraoti without any supply of drinking water on the way in that hot month of August. He simply collapsed for even then he had paralysis of the legs in four days which ultimately proved fatal.

Shrimati Kasturba Gandhi after prolonged illness passed away in perfect repose on the 22nd February, 1944 at 7-30 p.m. at the Aga Khan

palace in the presence of her last son Devadas, her lifelong companion the Mahatma and a number of family friends and *Bhaktas* who along with thousands in the country used to address her as *Ba*. In spite of the restraint incidental to a place of confinement, however exalted and luxurious it may be, a hundred friends and admirers of Gandhi were present at the funeral which was the second to take place in the premises 18 months after the sudden and premature demise of Mahadev Desai, Gandhi's right hand man. Unlike Mahadev, *Ba* passed away neither suddenly nor prematurely. She was ripe in years as well as rich in services to the nation. She had been for decades the proud and happy recipient of the ardent affection and the deep esteem which a devoted nation tendered at her feet.

Kasturba was but a few months younger than her husband. They grew together and spent more than half their life (74 years) in voluntary celibacy. Their children and grandchildren in the immediate circle of family ties, the inmates of their *Ashram* in the next concentric circle and their millions of countrymen and countrywomen constituted the eternal bond of attachment between the two, inspired their common endeavour in life and programmes of action and engrossed them in the intense service of society and humanity. Kasturba was a true partner with Gandhi in the honours of life, in the affections of the people and in the rigours of renunciation and abstinence voluntarily undertaken and nobly sustained. Nor did her husband make it easy for her to bear herself heroically in the midst of the exacting standards of the *Ashram* adopted by them, for he was like a watch dog by her side, ever vigilant and never condoning in the enforcement of the principles of *aparigraha* which is the cardinal basis of their changed life. His non-observance of secrecy was at least once her crucifixion in public. Yet she comforted herself with that dignity, reserve and modesty which are the age-long virtues of Indian womanhood whose one ideal is not the assertion of equality and independence but self-absorption in and complete identification with her spouse. Is it the performance of a *Yagna*, the leading of the life of an anchorite, the courting of jail, yes, *there* she was with him, not to reason why, but always to do and die. And die she did in his arms in a jail on the *Mahashivaratri* day in the *Uttarayan*—a privilege that falls to the lot of few women in the world. In honour of the memory of Kasturba the Council of State adjourned for half an hour and the Sind Legislative Assembly for 15 minutes. Likewise did the Bombay Corporation and various other bodies signifying their mark of honour by resolutions and adjournments. An appeal for a memorial to Kasturba promoted by the public asked for 75 lakhs but secured 120 lakhs, an unprecedented event in Indian History.

The fatal illness of Shrimati Kasturba gave untold anxiety to Gandhi on account of the conduct of Government. Doctors like Jivraj Mehta who examined the patient were not allowed to talk to him and a consultant doctor was not allowed to spend the night in the critical moments inside the "palace" being asked to stay in the motor car outside all night awaiting any urgent calls. The mental agony to Gandhi was so great that he asked either that Kasturba be let off on parole or himself be transferred elsewhere to avoid his tormentation of spirit.

It is amazing to be told in this connection as we were told and the American public were solemnly told by Sir Girija Shankar Bajpai that "at various times, the Government considered her release for health reasons but she wished to remain with her husband and her wishes were respected. Furthermore, living on the premises, she has the benefit of care from an eminent doctor living on the premises." The wonder is that never had truth been so recklessly perverted as in this statement. In India, Government news

did not go beyond stating that even if she had been consulted in regard to her release, she would have preferred to remain where she was. Sir Girja Shanker out-Maxwelled Maxewell and has brought eternal disgrace upon the character of Indian officialdom.

One strange feature in regard to the condolences on Kasturba's death was that the leader of the Muslim League, Mr. Jinnah did not say a word. And yet there was nothing strange in that because he had not earlier said a word on the murder of Allah Bux.

The death occurred at Lucknow on 14th January, 1944 of Mr. R. S. Pandit, husband of Mrs. Vijayalakshmi Pandit, sister of Pandit Jawaharlal Nehru and former U. P. Minister.

Mr. Pandit had been suffering from pleurisy with effusion for the past three months. Mrs. Pandit was at her husband's bedside. Mr. Pandit's body was taken to Allahabad for cremation.

Mr. Pandit, who was a member of the U.P. Assembly, was 51 years old. Besides his wife, he leaves behind three daughters—Rita, Chandralekha and Nayantara, the latter two being students in the United States.

Mr. Pandit was arrested during the August disturbances and released from the Central Jail, Lucknow, on October 8, 1943, on grounds of health.

The late Mr. Pandit was a profound Sanskrit Scholar, unassuming in manners, devoted to his country and self-sacrificing in spirit and services.

On April 19, 1944, Dr. C. Vijayaraghavachariar, a former President of the Indian National Congress, who had been ailing for some time past, died at his residence. He was aged 94 and leaves a daughter, a grandson and two grand-daughters.

Dr. C. Vijayaraghavachariar had a full political career of over 50 years both in his own province of Madras and the whole of India. He first became publicly known when he appealed to the Madras High Court against a sentence of ten years' R.I. passed on him by a lower court for his alleged implication in a Hindu-Muslim riot at Salem. He won the appeal and fought for all his fellow accused who also got a reprive.

Dr. Achariar drafted the Congress "Declaration of Rights" (1918) and was President of the Congress in 1920 and of the Unity Conference at Allahabad. He took part in the All-Parties Conference which resolved on the boycott of the Simon Commission and led to the setting up of the Nehru Committee and its report. He was also a former President of the All-India Hindu Mahasabha.

Dr. Achariar was a member of the Madras Legislative Council from 1895-1901 and of the Imperial Legislative Council from 1913-16.

Thinker, nationalist and internationalist, he believed in the League of Nations and all it stood for even after its humiliation.

In Benares on April 24, 1944 the death occurred of Mr. Shivprasad Gupta, founder of the Kashi Vidyapith and the Jnan Mandal and some time Treasurer of the Indian National Congress. He constructed the Bharat Mata Mandir and in the early days of the Benares Hindu University he used to accompany Pandit Madan Mohan Malaviya to collect funds. Mr. Gupta, who was 61, was bed-ridden with paralysis for 12 years.

The death occurred in the early hours of 16th March, 1944 of Mr. V. Ramdas Pantulu, a member, Council of State and President, All-India Co-operative Institutes Association and Indian Provincial Co-operative Banks Association. He was the leader of the Congress Party in the Council of State.

Amongst other serious losses to the nation was that of Shri Ramananda Chatterjee. For 35 years, his name had been a household word in the world of political and literary consciousness. He was never a Congressman in the

strict sense of the term but his sympathies were always with the nationalist movement—and therefore naturally with the Congress. And the Congress itself looked upon him as a patriarch whose criticisms on all national problems were charged with keen discernment, obvious impartiality and wide outlook. Toward the latter days of his old age, however, he threw his weight on the side of the Hindu Maha Sabha. That a *kattar* Brahmo like Ramananda Babu saw the need for the Hindus to gather together under a communal banner doubtless proved that religious affiliations and political allegiances might well stand apart but when the wide sympathies of universal brotherhood were somewhat limited by the circumscribed outlook of communal sympathies in a notable public character like Ramananda Babu, the transformation was big enough to arrest the critics' attention, if only to search out the cause for so unexpected and even so incompatible a change. The Communal Award of 1932 was a difficult pill to swallow and except those who would neither ingest it nor egest it but keep it bobbing up and down in the glottis, the vast bulk of nationalist Hindus had to make their choice. Decide they did as Babu Ramananda Chatterjee had done, when in spite of his nationalism in politics and Brahmoism in religion, he set his own sails to the fierce winds of the Hindu Mahasabha. This apart, Ramananda Babu's contribution of service to the growth of the Indian nation, its political freedom and economic deliverance and its philosophical insight and cultural outlook, its multifaceted renaissance and manifold genius, marks him out as an outstanding patriot of the nineteenth and twentieth centuries fit to take rank with the great men of India—Victorian age like Rabindra Nath Tagore, Ananda Mohan Bose, Surendra Nath Banerjee and Swami Vivekananda.

Many were the deaths of patriots that took place either in the jails or just after releases on medical grounds, a detailed account of which could be correctly obtained only from the provinces. But a most shocking event took place in Sind which deserves particular notice. Allah Bux the ex-premier of Sind was shot dead on the 14th May, 1943 at Shikarpur. He was the President of the Azad Muslim Conference.

On receipt of the news of the murder of ex-Premier Allah Bux at Shikarpur the Sind Government ordered that all Government Offices in Karachi including the Sind Secretariat should be closed for the day.

The "markets" which had received news of the murder before the time for opening remained closed for the day.

Mr. Allah Bux, accompanied by a friend was proceeding in a *Tonga* on the Shikarpur-Sukkur Road in the direction of Sukkur, when opposite the Shikarpur police lines some unknown assailants said to be four in number, fired upon Allah Bux and his friend.

Allah Bux received two revolver shots in the chest and died before any medical assistance could be rendered at the Civil Hospital.

Mr. Allah Bux was not able to give any dying declaration.

The Allah Bux murderers were at last detected and eight people were placed before a Court martial which held its trial in camera under the rules. There were two approvers. It was revealed by the Sind Government that the murder was the result of a conspiracy in which it was alleged that certain prominent Zemindars were involved. The sentences were pronounced on 26th February, 1944 in which three were sentenced to death and the rest to transportation for life.

Subsequently a case was put up against Khan Bahadur Khurro, Ex-Revenue Minister, his brother and servant for alleged conspiracy in connection with the murder. The accused were committed to the Sessions and were acquitted.

**Subhash Chandra Bose:**

Much the most tragic end that overtook Congressmen during this period of three years of the "Movement" was the reported sudden death on 18th August, 1945 in an air crash of Shri Subhash Chandra Bose, twice President of the Indian National Congress. Early in 1941, he chose to leave the country in secret, himself not sharing the Congress views on the methods of establishing Indian Independecne. He was reported to be going by a plane to Tokio and his plane met with an accident in which he was injured seriously and succumbed to the injuries later in the day. That Subhash Babu chose a path of his own, that he had rebelled against the Gandhian cult and kept his own counsel in political matters, that he was reported to have joined Germany and Japan in the World War II were aspects of conduct for which he bore exclusive responsibility, without in any way endearing him less to his friends and admirers. A like report of his death in an air crash had emanated once before and that proved to be untrue. There is a widely felt disinclination to believe this story of Subhash Babu's death, which is traced to Japanese sources. His position after the conclusion of the war has become a matter of anxious enquiry all round. If he was dead, this anxiety would be submerged by the flood tide of sorrow that overcame the country. If he was alive, the halo around this mystic would become deeper and brighter.

## CHAPTER XXXII

### The Meerut Session

The Working Committee, it will be remembered was released on the 16th June, 1945 from the Ahamednagar Fort. Yet the Meerut Session was held only on the 23rd November, 1946. In the meantime the President who was first elected for the Session on the 16th May took office unusually in the interval before the plenary session and changed the personnel of the Committee. His accession to office in the Interim Government at the Centre, however, necessitated a fresh election in all its formality according to the Constitution of the Congress and Shri J. B. Kripalani was duly elected. The President-elect was not new to the Congress. In fact, as he with his dry-humour and searing wit stated at the opening of the Subjects Committee, he knew *them* and *they* knew him. For twelve years he had been the General Secretary of the Congress and done excellent service in organizing the Congress forces and systematizing its work. He had the advantage of a cultured and energetic wife in Shrimati Sucheta Devi who was the woman-Secretary of the Congress. Husband and wife have had the rare advantage of working together in the same field of public service and in the same office as honorary secretaries. Both were professors in their own day. Both are good writers and wield a facile pen. Both are highly cultured and patriotic, vivacious and indefatigable in their labours, original and imaginative to a degree. Meerut then had the privilege of having for its President one who brought with him added strength through his spouse for the discharge of his onerous duties.

The unexpected outbreak of violence and rioting in Meerut town and Meerut district on the eve of the plenary session coupled with the fact that some of the Congress structures happened to have been burnt down by an unaccountable fire, a circumstance which created panic and dearth of labour, necessitated a last minute curtailment of preparations so that it was notified that the Congress would be confined only to the delegates and that no visitors would be admitted. This made the Pyarelal Nagar difficult to erect. But the highly patriotic and laudable intervention of the INA men made possible what would otherwise have been a hopeless task. Even so the session had to give up the Khadi and Cultural Exhibitions as originally contemplated. President Kripalani delivered his address with his wonted ease in Hindustani and perhaps with added tranquillity on account of the fact that Meerut which was the seat of his constructive labours for over two decades was also the chosen seat of his eminence as President of the Congress. Since Rajendra Babu presided over the Bombay Session, a *kattar* Gandhi-ite had not adorned the *gadi* of the Congress and Acharya Kripalani has worthily filled the gap much to popular rejoicing. He conducted the proceedings of the Congress, both at the sittings of the Subjects Committee and in the plenary session with great ability and success. Whether it be in inducing the withdrawal of amendments or in negotiating the curtailment of speeches, he displayed considerable tact and suavity, much to the unexpected delight of his friends and the unstinted admiration of the audience. Acharya Kripalani, as it may now be revealed, started with no surplus of goodwill or appreciation from a section of Congressmen and leaders, but he succeeded in amassing both in a measure that was sufficient to tide him over the session as well as

lay by a reserve for the rest of his term. His concluding address delivered in faultless English was a marvellous piece of oratory embodying an impassioned treatment of Non-Violence and the measure of success (or want of it) it has had as compared to the measure it deserved and demanded. The audience were spell-bound for a good half hour as his thundering periods rolled in quick and unbroken succession, stirring his hearers to their very bones and moving their hearts as they had never been moved till then. Non-Violence had indeed a rebirth at which at last the President of the Congress assisted once again. Kripalani had no little difficulty in choosing his colleagues on the Working Committee, but the delicacy of the task is well known and he doubtless carried with him the sympathy of informed critics who know only too well the complexities involved in exclusion or inclusion of any partcular name or names. Perhaps the selection of colleagues is the most unenviable task of the President of the Congress.

We now proceed to study the achievements of the Congress at Meerut. From this viewpoint one must say there was nothing much that was quite new or wholly positive. The Meerut Session merely confirmed what the A.I.C.C. had already done in Delhi in September 1946 and ratified the acceptance of seats on the Interim Government. But the resolution on the Constituent Assembly was a real achievement, for it declared that the Congress stands for an "Independent Sovereign Republic" so that India's future may now be taken as lying wholly outside the British Empire. The resolution on 'Retrospect' might more correctly have been headed 'Retrospect and Prospect' for it clearly indicated that the struggle for Indian Independence had not ended for there was still much to achieve. By far the most important resolution related to the States which may profitably be quoted here *in extenso* :—

"The Congress has always considered the problem of the States in India as an integral part of the problem of Indian independence. On the eve of independence this problem assumes a new urgency and has to be solved in the context of that independence. A few of the Rulers of Indian States have appreciated the rapid changes taking place in the country and have tried to adapt themselves to some extent to these changes.

"But the Congress has noted with regret that even now many of the Rulers of the Indian States and their Ministers are not only not bringing their administrations into line even with the Provinces in regard to representative institutions and effective popular control over the administration, but, on the contrary, are endeavouring to crush the political aspirations of their people and are thus coming into conflict with the vital urge for freedom which animates the people of the States as well as of the rest of India. Some of the larger States in India, which should have set an example to the rest, are particularly guilty of these reactionary and repressive activities. The Political Department, which still continues to be directly under the Crown Representative and wholly beyond the control of the Government of India, continues to function in a way which is reactionary and opposed to the wishes of the people of the States.

"The Congress views with strong disapproval this segragation of the Political Department from the Government of India, who are rightly interested in all the activities of that Department, and hopes that this anomaly will be ended as early as possible. It considers it wholly untenable for the British Government to claim through the Viceroy and Crown Representative to have any interest in the States other than or apart from the Government of India.

"This Congress disapproves of any schemes of merger or federation among States without reference to and without the approval of the people concerned. Such activities often carried out secretly by the Political Department without even the knowledge of the people, are a negation of self-determination and of the right of the Indian people to determine their future. The Congress is firmly of opinion that every decision regarding the States must be taken by the elected representatives of the people of the States, and no decision that ignores the people can be valid or binding upon them. In particular, the representatives of the States in the Constituent Assembly should be chosen by their people.

> 'In view of the growing crisis in the States, the Congress declares that it considers the struggle for freedom in the States an essential part of the larger struggle in India. It views with sympathy the efforts of the people of the States to establish civil liberties and responsible government as integral parts of a free and independent India'."

The point to be noted here is that the Congress reverted to this subject once again after Haripura and that the emphasis in Congress attack shifted from the autocracy of the Princes and the apathy of the people to the machinations of the Political Department which was dealt with for the first time and whose work from behind the *Purdah* was brought to public notice prominently. The pathogenic bacillus that accounted for the epidemic of repression and reactionary policy in the all but a few of the States, has its *nidus* there and so long as it is not destroyed, so long there is no hope of health development of representative institutions or responsible government in a third of India. There was more in what was unsaid in the Resolution than in what was said for when the Congress offered its sympathy to the people of the States in their efforts towards attaining freedom, it was not merely windy, vapoury, rhetoric that was indulged in, but it was a serious and sedate offer of assistance. Only the Congress finding itself at the turning of a corner, wanted, like any motor driver, to slacken its speed, pause for a moment and survey the curve, slow down, turn and then accelerate its march. The patience of the Congress was being tried to the breaking point and it should not be a surprise if the Congress felt that one of these days it must cast off its aloofness and like an avalanche from the mountain heights or a tidal wave from the ocean depths descend upon the States and sweep away all the scum that still obstructed the flow of the onrushing flood of Freedom. It will be thus seen that the Congress at Meerut was only rounding the spiral of progress towards the Indian Republic and in doing so, executing one more circuit coming back upon the same curve but on a higher level as is done by any hill train. On the constructive side the Congress had a heavy and delicate task in having to repair the damages done in the country by *recent* acts of violence, wholesale massacres, arson, abductions and raping. The speakers dealt with the subject in a sedate and serious manner so as not to rouse feelings. Even so the Sardar's assertion that sword shall be met with the sword caused a little storm in the teapot but it was readily subdued by his own explanations. From every point of view then, the Meerut Session was not only a success by itself, but it set an example for future sessions of the Congress. It was this way. There was much misgiving in regard to the proposals of the Constitution Committee which had to lie over and were committed to the care of the A.I.C.C. both on principles and regard to details, to wind up the spectacular side of the Congress by making it a purely business body confined to the members of the All-India Congress Committee. The Meerut Session served as a half-way house, because while the delegates were still

there, the visitors were cut off as they had been cut off at Tripuri on the second day in 1939. Meerut may still be the last session held under the old Constitution but Meerut shall remain a memorable name in Indian History, for it was at Meerut that the first shot was fired in 1857 and it is at Meerut that the "Independent Sovereign Republic of India" was conceived and for the first time virtually proclaimed. After the first violent war of Indian Revolution in 1857, the Governor-General became Viceroy and after the second (non-violent) war, the Viceroy may finally disappear from the Indian scene.

# THE EPILOGUE

Sixty years may sound a long period to the ear of man, but it is shorter by a decade than the psalmist's span of life and is only a half of the Upanishad's prescription of man's longevity on earth. When reckoned, however, in terms of the life of an institution, six decades is but a passing phase, a fleeting moment in the history of a country. Yet during this short time was encompassed the story of the strife and struggle of an ancient people held in bondage, fragmented and degenerate, to emancipate themselves from the grip of a modern, imperialistic nation, compact and close-knit, active and energetic, aggressive and tyrannical. In these sixty years India had nearly consolidated her forces and mobilized world-opinion in favour of her own freedom and independence. Nay more, India was really passing at the end of the period through a process of orderly reconstruction so as to make its Swaraj stable and abiding. When, therefore, the year 1945 closed and the peeling bells rang out the old and rang in the new, it was not as if the nation went into high rejoicings over the passing of a landmark, the enthusiasm of the country, remained on the contrary, subdued though sustained and was not marked by the high crest or the low trough that characterizes the rise and fall of an undulating wave of universal joy. The occasion was more in the nature of a re-union of the individual soul with the national, a rediscovery of all that was glorious and uplifting in the national asset. The nation was really too busy with the new national consciousness to find time for any wild enthusiasm or weird enjoyment in a spirit of flippancy or self abandon.

The General Elections that had just concluded at the centre, but were still passing through the preliminary processes of selection and nomination of candidates in the Provinces, shaped work enough for all, leaders and following alike. The monotony of such serious work was somewhat relieved by the exciting news relating to the trial of the members of the Indian National Army and indeed for a moment it looked as though the names of colonels Shah Nawaz and Sehgal and Dhillon overshadowed the names of national leaders. It looked as though the Indian National Army (I.N.A.) itself eclipsed the Indian National Congress and the exploits of war and violence abroad threw into obscurity the victories of non-violence at home. But the prompt reprieve granted by the Viceroy to the three officers who had been convicted and sentenced to transportation for life, very nearly subdued the new-born enthusiasm for the I.N.A. and its cult; only the gross indiscretion of the authorities which exhibited itself in Calcutta in December 1945 on the occasion of a students' demonstration and which extended to Bombay on the 23rd of January the fiftieth birthday of Subash Chandra Bose led to firing on both occasions and the loss of 40 lives in Calcutta and 10 lives in Bombay and served to create a new zest for the I.N.A., and revived widespread interest in the exploits and achievements of this latest instrument of national emancipation.

Subhash Babu's birthday gave publicity to the stories of his adventure and authentic details began to pour in, giving descriptions of his flight from Calcutta, and arrival in Germany. We append below one such cutting.

**The story of Bose's escape :**

The story of Mr. Subhash Chandra Bose's escape from India in December 1940 has been related "By one who was put in jail for aiding Netaji in his

escape" according to the Lahore Correspondent of *The Hindusthan Standard.*

According to this version, Mr. Bose left Calcutta about December 13, 1940, by car, and at Burdwan boarded a second class compartment which had been reserved for him in the Punjab Mail. He had grown beard and hair on the neck and on arrival in Peshawar looked a Pathan. He stayed there for six days and then journeyed to Kabul with a bodyguard. Except for a distance of 5 miles covered by tonga, the journey to Kabul was done on foot.

At Kabul continues the report, Mr. Bose fell into the hands of a C.I.D. man but soon got rid of him by giving him a ten rupee note and a fountain pen. Mr. Bose then contacted the Russian Government, which, however refused to receive him on the plea that the Russo-German alliance was about to break and that negotiations between the British Government and Russia were in progress. Hence the Russian Government was not prepared to give the British any cause for grievance.

A certain German, however, having learnt that Mr. Bose wanted to escape at once contacted Berlin, and thereafter arrangements were made for him to be flown in Berlin over Russian territory.

The Parliamentary Delegation sent by the Labour Government to India served also to beguile public attention from the weariness of waiting for the political developments in the country. At first it was said that the Delegation would be sponsored by the Empire Parliamentary Association but the idea proved repugnant to one and all. Parliament, therefore, fathered it and all the parties in it had their representatives. This delegation, stripped of all its trappings, was no other than an informal Commission much like the Simon Commission of 1927 which was appointed in pursuance of the section in the Act of 1919 demanding a decennial enquiry. It was a decade in 1946 since the 1935 Act was passed and the obnoxiousness of a Royal Commission was cleverly obviated by this "friendly" visit of a Parliamentary Delegation.

It was a little device which indeed did the trick, and Indians, big and small, swallowed the bait, hook and string. Any talk of boycotting the Delegation was deeply resented as savouring of haughtiness and want of humility and almost all the members of the Working Committee were at the service of the Delegation, despite the fact that one of the latter, Godfrey Nicholson, had clearly stated that they were examining expert witnesses. Humiliation lay in the fact that Congress like the rest of India, submitted to this examination.

Meanwhile the new Assembly (Central) at Delhi met and scored some excellent triumphs, the moment its sittings began. Its first victory, related to an adjournment motion which was passed straightway, censuring Government on their having employed Indian troops in Indonesia. But the second was the real marvel of an achievement. The Speaker's place is a coveted prize as indeed it is a key position and Sardar Vallabhbhai's rare foresight thought of Mr. Mavlankar, who had been the Speaker of the Bombay Assembly (1937-39) for the job. His election by 66 against 63 votes was a real truimph for the Congress, as gratifying as it was expected.

While the Congress was thus progressing from step to step, it received added strength by the timely publication on January 8, 1946 of a summary of Mr. William Phillips' report to the President, U.S.A., soon after his return from India.

**Phillips' Report to U. S. Government:**

"The purpose of the Congress was not to set itself up as a fascist Government but to unite India in order to gain the objective of independence and

the right of Indians to frame their own constitution," said Mr. William Phillips in his report submitted to the U.S., Government after his return from India.

The report added : "That communal disturbances assumed alarming proportions during the years of the Congress Ministries is also not based on fact. In fact, the Hindu-Muslim riots were frequent in Bengal and the Punjab during the same period and were more numerous in the Punjab than in any one of the Congress provinces.

That in the long run the vast majority of Muslims will join with the peasants and workers of all religions and the Hindu-Muslim problem as it appears today will no longer exist is the prophecy made by Mr. Phillips in his report.

The report, as published in the *Milap*, a leading Urdu daily, on 8-1-46 had so far been kept a secret.

Referring to the Muslim League's demand the report says : "The Muslim leaders have not proved that Muslim interests as such were endangered by Congress rule. What does appear evident from a survey of the years of provincial autonomy is that the Muslim League as a political party will not have an opportunity to gain control of the government, but will continue to occupy, except in a few provinces, the position of a minority in the Assemblies, in the Central Legislature also it cannot hope to capture a majority of seats. This is the real grievance of the Muslim League. It explains the concern of Jinnah and other Muslim leaders over the Congress attitude towards the States; it explains the demand of Pakistan."

The report adds : "The Muslim objections to self-government for India on the ground that the Congress will continue to dominate political affairs are no longer valid. Furthermore there is every reason to suppose that the Muslim League itself will be affected by changes in other political organisations."

Mr. Phillips in his report remarks about the Congress : "The principal aim of the Indian National Congress throughout these years, as before, was to obtain independence for India, and the decision to enter the Legislatures and to work the constitution was taken only because it was believed that this course would further the struggle for freedom. It was in pursuance of this aim that this national organisation kept strict control over the provincial ministries and directed them to co-ordinate their work with that of the Provincial Congress Committees. Jinnah's accusation that the 'sole aim of Congress is to annihilate every other organisation in the country' is his interpretation of the fact that the Congress continued to pursue a policy of expansion by endeavouring to win adherents from all elements of the Indian population. Complete success in this would have resulted in the dissolution of the Muslim League and other communal and sectional organisations.

"But the purpose of the Congress was not to set itself up as a fascist Government but to unify India in order to gain the objective of independence and the right of Indians to frame their own constitution. The fact remains that the entire policy of the Congress during the years the Congress Ministries were in power was centred round the effort to hold the organisation together and to increase its strength in order to secure independence for India.

"It must be noted that the sweeping allegations contained in Jinnah's 'Deliverance Day' resolution," cotinuing the report says, "are not supported by the evidence accumulated and presented by the various Muslim League reports, even if these were validated. The charge that the Congress Government did their best to destroy Muslim culture rests principally upon a few isolated instances of the elimination of Urdu from school curriculums and such measures as the Wardha Scheme of basic education or the use of certain text books. The case of economic or political discrimination is even weaker."

India's problem had always been a two-fold one, relating as it did to the Provinces and the States. The new year brought some glimpse of light and hope to the people of the States through the following important declaration made by H. H. the Nawab of Bhopal, the Chancellor of the Chamber of Princes, on 18th January, 1946 :—

"The Chamber of Princes in consultation with the Committee of Ministers have given anxious consideration to the question of the development of constitutional reforms in Indian States and without prejudice to the correct constitutional position, which has been re-affirmed by the declaration made in Parliament on behalf of His Majesty's Government and repeated by His Excellency the Viceroy, that 'the decision as to the constitution best suited to the needs of his people and his State rests with the Ruler himself to take,' they recommended an immediate declaration by the Chamber of Princes of the policy in this matter and the steps which should be taken immediately where this had not already been done to implement it."

"The Chancellor of the Chamber of Princes is accordingly authorized to make the following declaration on behalf of and with the full authority of the Chamber of Princes :—

> "'The object is to set up forthwith constitutions in which the sovereign powers of the Ruler are exercised through regular constitutional channels without in any way affecting or impairing the continuance of the reigning dynasty in and the integrity of each State. There shall be popular institutions with elected majorities to ensure close and effective association of the people with the governance of the States. It is understood that in framing the detailed constitution of individual States on the above lines, regard shall be had to the special circumstances in each State.

"Most States have already adopted statutory provisions guaranteeing the Rule of Law and the security and protection of person and property within their territories. In order to lay down and declare the position in this matter in precise and clear terms, the following essential rights should be guaranteed in States where this has not already been done, with powers vested in the Courts of the States to redress any infringement of these rights :—

(i) No person should be deprived of his liberty, nor should his dwelling or property be entered, sequestered or confiscated save in accordance with law;

(ii) Every person should have the right to a writ of *habeas corpus*. Such right may be suspended as may be prescribed in case of war, rebellion or serious internal disorder;

(iii) Every person should enjoy the right of free expression of opinion, the right of free association and combination, and the right to assemble peacefully without military formation for purposes not opposed to law or morality;

(iv) Every person should enjoy freedom of conscience and the right freely to profess and practise his religion subject to public order and morality;
(v) All persons should be equal before the law irrespective of religion, caste or creed;
(vi) No disability should attach to any person merely by reason of his religion, caste or creed, in regard to public employment, office of power or honour, or in the exercise of any trade or calling;
(viii) There should be no *begar*.

"It is re-affirmed that the administration shall be based on the following essential principles which would be strictly enforced where they do not obtain at present :—

(i) The administration of justice must vest in an impartial and competent judiciary, independent of the Executive, and there must be suitable provisions for the impartial adjudication of disputes between individuals and the States.
(ii) The Rulers in their own States should clearly demarcate administrative Budgets from Civil Lists and fix the latter at a reasonable percentage of the ordinary revenues;
(iii) The incidence of taxation must be fair and equitable and a definite and substantial portion of the revenue must be allocated for the benefit of the people, particularly in the nation-building departments.

"It is strongly recommended that the essential measures recommended in the declaration should, where they are not in force be adopted without delay.

"This declaration, made spontaneously and earnestly, is inspired by faith in the people of Indian States and in the future destiny of the States. It represents the will of the Rulers to implement these decisions without reservation or delay. May it lead to increasing freedom from want and fear and freedom of the mind and its expression; may it grow on the sure foundations of mutual love, tolerance, service and responsibility.

Events moved fast from the States to the Provinces. The Viceroy gave a nice talk to the Princes at their Chamber and tried to appease them by announcing that the Rulers' consent was essential for constitutional changes in the States and that Government was desirous of maintaining their existing relations with all States. Thus did the Viceroy give an assurance to the Princes on one of the main points of difference which had led to the crisis of 1944 namely the one relating to the treaty rights and relationship with the Crown.

"I can assure you", said the Viceroy, "that there is no intention on our part to initiate any change in this relationship or these rights without your consent.

"I am confident that Your Highnesses will, through your accredited representatives, take your full share in the preliminary discussions, which were announced in my broadcast of September 19, as well as in the intended constitution-making body, and that your consent to any changes which emerge as a result of these negotiations will not unreasonably be withheld.

"I am also confident that in your approach to these problems you will have no intention or desire to stand in the way of the growth of India to its full stature or to hinder the political, economic or social progress and advancement of your subjects.

"It will rather be natural and in accordance with your traditions that you should become leaders in peace, as you have formerly been in war."

Speaking of States whose finance is inadequate, Lord Wavell suggested that it was incumbent upon them to modify their constitutional position so as to ensure the welfare of their subjects for the future.

In order that these States might have political stability, adequate financial resources and effective association of the people with the administration, he strongly urged that they should arrange to join a larger unit or combine with other small States to form a political entity of a sufficient size.

In less than ten days thereafter the Governor-General spoke of a new essay in constructive work by Britain in regard to India's political emancipation.

The following is the full text of the Viceroy's speech to the Central Legislative Assembly :—(28th January, 1946).

"I have not come here to make any novel or striking political announcement. I have come here simply to meet the newly-chosen representatives of India—those of you who are here—and to speak to you a few words of welcome and encouragement.

"The intentions of His Majesty's Government have, I think, been made sufficiently clear. They have a determination to establish a new Executive Council formed from the political leaders : and to bring about a constitution-making body or convention as soon as possible.

"I cannot enter into any details at the moment of the methods by which these bodies will be formed and how the difficulties, of which we are all fully conscious, will be surmounted. Nor do I think it wise to try to set a date or dates for steps to India's freedom. I can only assure you that they have a priority label in Delhi and Whitehall. I ask you for your co-operation and goodwill in our great task.

"In this session you have already debated on adjournment motions some of the pressing questions of the day. Proposals for legislation will be put before you by Government spokesmen. These include some important measures which are the result of most careful deliberation; and which I think will, if passed by the Legislature, advance the credit and welfare of India. I do not speak with any intention of influencing your votes. It may be that you will think it right, some of you, to vote against the Government on almost every issue and to inflict the maximum number of defeats. If you believe that this is your political duty, I have nothing to say. I may think that it will be a short-sighted policy to prevent or delay legislation that is likely to be of real benefit to India; but that is for you to decide.

"I do claim, however, that you should not, in the course of the debates in this House during this session, say anything which may reduce the chances of my forming a political Executive Council, affect adversely the prospect of a settlement on the main constitutional issues, or increase the bitterness already abroad in the country.

"Enough and more than enough animosity has been caused during the elections to the Central Assembly; and the provincial elections are likely to have the same effect. It would be a great help to me, and I think to the leaders of your parties if moderation could be studied in all speeches here during this session.

"I hope and believe that the period of destructive work in the Assembly is near an end. *If I am successful in forming a new Executive Council with*

*the support of the principal parties*, you will have a very great deal of most important constructive work to put in at your next session"

For the sake of convenience we quote what Viceroy said on September 1945.

The Viceroy in his broadcast on September 19, (authorised by the British Government) said :

> "It is the intention of His Majesty's Government to convene as soon as possible a constitution-making body, and as a preliminary step they have authorised me to undertake, immediately after the elections, *discussions with representatives of the Legislative Assemblies in the Provinces* to ascertain whether the proposals contained in the 1942 declaration are acceptable or whether some alternative or modified scheme is preferable."

His Excellency said that discussions should also be undertaken *with representatives of the Indian States with a view to ascertaining in what they* could best take their part in the constitution-making body.

The Viceroy added : "His Majesty's Government have further authorised me, as soon as the results of the provincial elections are published, to take steps to bring into being an Executive Council which will have the support of the main Indian parties."

There was considerable speculation as to how the Simla farce of July 1945 was to be avoided. The following note in the Press, dated the 29th January, 1946 indicated one way out of it :—

"As soon as elections in the provinces are completed and the provincial Cabinets are constituted, the Viceroy, it is likely, will invite the Provincial Governments to send panels of names for the Executive Council. The panels asked for will not be very large but just two or three names.

"When the panels come in, the Viceroy will select his team for the caretaker Central Government and, if any Provincial Government declines to send in names, the Viceroy's plan will remain unaffected, it is stated.

"It is possible that in case any province refuses to recommend panels, the Viceroy will get into touch with the leaders of the parties represented in the Assembly of that province and include such names as he considers representative."

There was a ring of probability even as perhaps there was a ring of sincerity about this note. When Lord Chorley was asked in Calcutta about the future of India he said that the deadlock would not be allowed to continue and if unfortunately the differences amongst Indians could not be settled by themselves, the British Government would have to make some sort of declaration. Lord Chorley added in reply to a question as to what government's attitude would be in case any particular political party was unwilling to co-operate with schemes that H. M. G. might offer, hesitated a moment, and stated "well, I hope, in that case H. M. G. should go on with their scheme in spite of their opposition."

What might the scheme be ? Surely the joke of Simla could not be permitted to repeat itself. It was not merely a cruelty to a nation but a crime against it that any one intransigent party or leader should be suffered to clog the course of national progress through sheer cussedness.

In Simla, Lord Wavell gave in. Under this scheme he will not. This is the proper remedy to the obstrucive tactics of a cantakarous minority. Under the proposed scheme the Congress majority provinces were to send up the names, say two or three, of persons considered worthy of the country's confidence as members of the central executive. Likewise the Muslim majority

provinces,—not necessarily League-governed, nor perhaps at all—would send up theirs. The eleven representatives so returned by the eleven provinces would be true representatives of the country in strict accord with the verdict of the electorates. Mr. Jinnah obviously foresaw in spite of his obstinacy and obstructiveness, that the Viceroy has hit out a plan by which even if the Premier refuses to furnish a panel he woud get into touch with leaders of the parties and make his own choice. In this manner he would be able to make good his promise made on September 19th on return from his second visit to London, that he would form the Executive Council supported by the main political parties. Although on this occasion the Viceroy has spoken of a council of political leaders, yet he has in another context in his speech dated 28th January, referred to a "council having the support of the political parties". Mr. Jinnah therefore foresaw the coming danger and being unable to counteract it, sidetracked the problem by declaring that no interim Government was necessary at all. Verily this was a confession of defeat and the very limit of cussedness.

Presently the appointment of a Cabinet Mission to India was announced which was to consist of the Secretary of State—Lord Pethick Lawrence, Sir Stafford Cripps and Mr. H. V. Alexander, First Lord of the Admiralty.

Confidence in the success of his mission to India, because of the men with whom he was going, was expressed by Lord Pethick-Lawrence, Secretary of State for India at a dinner in his honour on February 25th, 1946.

The problem now was one of great complications and complexities, he said, and the precise road to achieve their end, enabling India to build the basis of the structure of her freedom, might not yet be clear, but the vision of the freedom of India, to whom they could relinquish their trusteeship with pride and honour must, and would, inspire them in their new efforts to find with Indian representatives the path of co-operation.

"We go ready to translate British promises and pledges into action," he continued. "And we shall not seek in our negotiations to provide for anything incompatible with the freedom of India to control her own affairs. Nor is it our intention to depart from the principle to which we are committed, that it is for India's representatives to choose the structure of her constitution under which she will enjoy freedom and take upon herself the cares and responsibilities of a free people. We are determined to do everything in our power to bring about agreement and enable India to frame a new constitution."

"The rewere irreconcilable elements in the picture," "he added," and almost insoluble problems, but he had learned in his seven months as Cabinet Minister that it was the task of Cabinet Ministers to reconcile the irreconcilable and solve the insoluble.

"This great sub-continent of India, which has not less than one-fifth of the population of the world, has in my belief a very great future," he said. "It has the part in the years to come to be a bastion of civilisation in the eastern part of the world. It is our business and it will inspire me that in helping our friends, the Indians, to achieve their freedom we are setting free a great spirit to be an inspiration for the future."

Lord Pethick Lawrence on his arrival in India on 23rd March, 1946 in a statement, said : "British Government and British people desire without reservation to consummate the promises and pledges that have been made and we can assure you that in our negotiations we shall not seek to provide anything that is incompatible in any way to the sovereign dignity of India.

"The precise road towards the final structure of India's independence is not yet clear but let the vision of it inspire us all in our renewed efforts to find the path of co-operation," he added.

Sir Stafford Cripps said that they had not come to adjudicate between rival claims in India but to find out the means for the transfer of power to Indian hands.

Undeterred by the rigours of the journey and looking fresh, both, Lord Pethick-Lawrence and Sir Stafford Cripps, met a group of Pressmen and answered a number of questions ranging from Pakistan to the Soviet threat.

In a statement, Lord Pethick-Lawrence said : "As my colleagues and I set foot on the soil of India, we bring to the people of this country on behalf of the British Government and of the British people a message of cordial friendship and goodwill. We are convinced that India is on the threshold of a very great future when in the exercise of her freedom she will stand for the preservation of civilisation in the East and bring her great influence to bear in the counsels of the nations.

"We have come but with one purpose in view. It is, in conjunction with Lord Wavell, to discuss with the leaders of India and her elected representatives how *best to speed the fulfilment of your aspirations* to take full control of your own affairs and thus enable us to complete the transfer of responsibility with pride and honour to ourselves.

"The British Government and the British people desire without reservation to *consummate the promises* and pledges that have been made and we can assure you that in our negotiations we *shall not seek to provide anything that is incompatible in any way to the sovereign dignity of India.*

"We have then with all our Indian associates, the common objective for the achievement of which all our energies will be devoted in the coming weeks."

The Cabinet Mission had a good reception in India. Lord Pethick-Lawrence who had completed the Psalmist's span of life of three score and ten, had a personality all his own, courteous in the extreme, clear beyond all doubt, and convincing to a degree. Sir Stafford was very much the same slim, agile, quick-witted, sharp-tongued pugilistic politician that he was in the spring of 1942. Mr. Alexander appeared to be enjoying his visit to India more than his mission, looked unconcerned, was taciturn, albeit affable in manners, and he certainly carried wise brains behind his stubby features. The Mission saw leading Indian politicians and made themselves familiar with the Indian political atmosphere. The interviews became prolonged and the Working Committee of the Congress was not summoned till the 12th April. On the 27th April the Cabinet Mission who virtually coopted the Governor-General, unlike in 1942 when Sir Stafford had acted by himself, extended an invitation to the working committees of the Congress and the League to select four delegates each to meet the Mission at a conference in Simla to begin forthwith. The Congress delegates agreed to the time but Mr. Jinnah fixed his own time three days later. The tripartite Conference extended over ten days on the hills and thereafter they dispersed and descended to the plains. The invitation letter presented certain proposals as a basis for consideration which required elucidation and the relevant correspondence is published as Appendix IV.

Here, however, the proposals may be summarized for the benefit of the reader. "Adult franchise which was all along being aimed at by the Congress has been held over if only on account of the delay it would cause in introduction. To secure the maximum accuracy of representation, the existing provincial Legislatives (Lower Houses) have been made the Electoral Colleges. Cripps' Scheme had in 1942 contemplated the same scheme but all the 1589 members of the eleven Legislative Assemblies were made one college. Now each provin l Assembly is a separate unit. Then Cripps had suggested 10 per cent of the strength of the Assemblies as the quantum representation

on the Constituent Assembly. Now it is doubled by relating the seats to the population at the rate of one per million. The weightage hitherto allowed to minorities was, therefore eliminated. Again the seats were allotted to groups classified under Muslims, Sikhs and others leaving out the Indian Christians, Anglo-Indians, and others. Accordingly an *ad hoc* Committee is set up to represent the minorities, tribes and excluded areas and the rights relating to them would be embodied in a suitable scheme connected with the Provincial, group or Union Constitution. The procedure may be indicated here.

"The Provinces, as is now fairly generally understood, will fall into three groups : "A"—Madras, Bombay, U.P., Bihar, C.P., Orissa, "B"—Punjab, N-WFP. Sind; "C"—Bengal, Assam. "A" will have a total of 167 General representatives and 20 Muslim. "B" will have 9 General, 22 Muslim and 4 Sikh representatives. "C" will have 34 General and 36 Muslim. The Indian States will provide 93 representatives, selected by a method yet to be decided. To this total of 385 must be added one each for Delhi, Ajmer-Merwara, Coorg British Baluchistan. The 389 will meet at New Delhi, as soon as possible, and to elect a Chairman and other officers and set up the Advisory Committee. Then they will face the mighty task of laying the foundations of the New India.

"Having met as a whole for preliminary business the representatives will thereupon divide into the three sections as shown above, and separately settle the Provincial Constitution for the Provinces in their section : they will decide whether to set up a Group Constitution for those Provinces, and if so what provincial subjects the Group shall deal with. After this all representatives will reassemble to settle the Union Constitution, that is of the Indian Union.

"In each Province the Legislative Assembly will elect the representatives to the Constituent Assembly. Thus, in Bengal, the Legislative Assembly will elect 27 representatives to General seats and 33 to Muslim seats; the Muslim members of the Assembly will elect the 33 Muslims, the rest will elect the 27 others. In Orissa the Legislative Assembly will elect the nine General representatives; the Province has no Muslim seat. In Sind the Legislative Assembly's Muslims will elect three Muslims and the rest of the House one other. In the U.P. Assembly the Muslim M.L.A.s will elect eight Muslims and the remaining members 47 General representatives. The Punjab figures are eight General, 16 Muslim, four Sikhs; these are the only Sikhs for whom provision is made; they will be elected by the Sikh members of the Legislative Assembly.

"The method of Election is that of P.R. (Proportional Representation) based on the system of a single transferrable vote. The object is to ensure the return of candidates on the smallest number of votes possible, not the largest. The distributive system requires the voter to vote for as many candidates as there are seats without any order of preference. P. R. requires the voter to mark his preference in the order of 1, 2, 3, etc. upto as many integers as there are seats. The system is considered a complicated one. But it is the tellers on whom the real burden falls not the voters whose duty is simply to mark the preferences. Once this is done, the tellers step on the scene and work by the aid of a formula under which the quota required for success by a candidate is determined thus :—

$$\text{Quota} = \left\{ \frac{\text{Number of voters voting}}{\text{Number of seats} + 1} \right\} + 1$$

If there are 2,000 voters actually voting and four seats the quota will be

$$\left\{\frac{2000}{4+1}\right\} + 1 = \left\{\frac{2000}{5}\right\} + 1 = 401$$

It may be asked why it should not be prescribed that each candidate should get 400 votes (2000/5). So it may be, but the principle is defeated for the object is to return a candidate on the least number of votes, which according to the above formula is only 401 not 500. There can be only four candidates successful with 401 votes each, for they will then consume 401+4 =1606 votes leaving only 384 votes which is 17 votes below the quota. Hence the formula (Voters seats+1) plus one which gives the quota. Under the Cabinet Mission's scheme in a large province like Madras one need get only five votes to become a member of the Constituent Assembly.

**The Cabinet Mission:**

The Cabinet Mission stayed in India for well nigh three months. It acted from the very outset in concert with the Viceroy, so avoiding what was discovered to be a mistake made by Sir Stafford Cripps in 1942. After it had gathered the necessary momentum on the ground level through conversations with select leaders, it began to rise to higher altitudes at first slowly, later by leaps and bounds and the bumps of such a rise and fall were duly communicated to the passengers within.

When you go on air, as you reach the normal altitude of ten thousand feet, you begin to feel every now and then, as the plane cuts across the dense clouds before it or sails clear of them from above or from below, that you are enjoying an undulatory swim in the aerial ocean much as you experience a like sensation when you are buoyed up on the crest of the wave at one moment and swept down into its trough at another. As you ascend your heart swells up with a sense of elevation and as you descend, your head sinks down as if into an abyss. That was the position of the country, at any rate, of those who had an inside knowledge of events, during the first two months of the Cabinet Mission's arrival and its joint transactions with the Governor-General. For well nigh two weeks the same old trick was repeated as during the visit of Sir Stafford in 1942, of a Round Table Conference in single file, of party leaders and politicians, statesmen and saints, scholars, Executive Councillors and industrial magnates, captains of commerce and professors of constitutional law and history. That was the period of lull as when the boiler accumulates the steam or the self-starter struggles to produce the explosion. But it was a time too of steady development of the force required to produce the necessary momentum, the short interval between your boarding a plane and its commencement to rise from the land. Then the Mission which this time has taken a strong pilot in the Governor-General unlike its predecessor in office, Sir Stafford, who had attempted a solo flight which ended in a fall, began to sail at the normal altitude and created an all-round, pleasant effect in the country by its first statement, which naturally was subjected to a close analysis at the hands of the subtle intellectuals of an oriental nation, whose temperament is essentially logical and analytical and who therefore dissected and anatomized the body politic outlined before it, only to find that when the examination of its different systems was completed, it had all the tissues of a living body without however the signs and symbols of life. The scheme lacked that animation and elasticity which alone could make a constitution capable of automatic

development. Had not Lord Irwin said that the constitution of a country should be like the bark of a tree, spontaneously growing with the trunk and not like the tailor-made habiliments of a person requiring wholesale change at every epoch of growth ? The first feeling of exaltation and hopefulness gave place to one of depression over the contradictions that the statement abounded in. And when light was sought on the points of doubt and difficulty more doubts and difficulties were created by explanations so that depression soon developed into despondency and despair.

India was to be independent but not yet, not that Congress wanted her to be independent in law, no,—it was not to be so, not even in fact. Independence could not precede the Constituent Assembly decisions, said the Mission. The Constituent Assembly was doubtless to be one but must work in three sections. The Sections were to decide whether to form groups or not. The groups were to decide whether to have distinctive Legislatures and Executives of their own or otherwise. Clarification only served to challenge the natural and legal interpretation of a State Document which as stated by the Congress, was dismissed by the Mission as "not according wih their intentions." The speeches of a minister in charge of a Bill in Parliament it is true, cannot supplement or modify the legal interpretation of its sections after the Bill has once become an Act. But there are parties to whose interests it is that they should clutch at random, interpretations put on the statement or parts thereof by the Mission. At first a province is stated to be free to form a group, later it is interpreted by Lord Pethick Lawrence that it is only obligatory for a Province to go into one or the other of the three Sections, A, B and C to which it is allocated, and thereafter it is for the Section to decide whether it shall form a group and if so whether the group shall have a separate Legislature and Executive. Whether one takes the wording of the statement itself or the commentary thereon by the Secretary of State at his first press conference, one is bound to recognize that there was adequate freedom of choice regarding the formation of groups. The Congress however took its stand on the right of a province not to be allocated to any section at all, for that takes away the very basis of provincial autonomy. The new freshes of Independence could not obviously wash away the old waters of Provincial Autonomy Yet what should one think of the assertion of the Cabinet Mission and the Viceroy in answer to the Congress's comment, that grouping is an essential factor of the scheme and that, for obvious reasons, so nullifying even the bare meaning of the concerned clause in the Statement and its later official interpretation. The nail that Congress wanted to loosen and pull out was driven deeper and tightened by the hammer blows of the statement of the 25th May, 1946 not that it could not be extracted by the aid of the independent right of interpretation but that the much desired honest demand for clarification only served to obfuscate the issues the more and even produce in effect a flat repudiation of the right to interpret. Verily that could not be the last word on the subject.

Several other subjects figured in the correspondence which related to sovereignty, to the States, to paramountcy, to Europeans on the Constituent Assembly, to the Governor-General's Veto and the responsibility of the Provincial Government to the Central Assembly. These were discussed threadbare in the Press, and with them was discussed too the final reply of the Congress. The Mission did not yield one iota beyond hinting that the European members of Legislatures notably in Bengal and Assam might not exercise their votes in the selection of members to the Constituent Assembly. The troops were to remain till the end and their retention might be continued if agreed to, even after, at the instance of the Indians themselves.

When the Statement said that paramountcy would, during the interim period, neither remain with Britain not reside with the Interim Government, it was considered to be a fair description of fact, for it would leave London and not be arriving in Delhi but, be hovering about the Suez Canal. But the naked truth was at last stated to the effect that paramountcy would return to the Princes so that instead of one Ulster, the British Government did with one stroke of the pen, create 562 Ulsters—big and small. What a legacy for the departing Power to leave to an Independent Nation !

Each communication, each broadcast and each statement helped to heave upto the country, with a sense of relief, or throw it and a sob and a sign of disgust and depression leaving it in doubt as to whether the plane of the Cabinet Mission would ever successfully brace the wind and the storm and land its heavy load of passengers safe on the *tera ferma* of a Swaraj India, or burst somewhere at a peritomous height between the Heavens and the earth.

In effect then, while Canada and Australia and South Africa prepared their Constitutions or laid down principles and formed resolutions on which to base their policy, while the American Colonies and Ireland (Eire), prepared their Constitutions on their own soil, with their own hands, India's destiny alone was entrusted to a Constituent Assembly not selfborn, but brought into being by negotiations and hedged in with all sorts of checks and balances, the departing power made a mathematical mean of the demands of two conflicting groups and produced its own proposals as a basis to work upon, separating the States which form a third of the country in area and a fourth in population from the rest of India and then dividing the latter into three sections united only by a loose and weak centre contemplating the retention of troops in India for the protection of tribal interests and minorities and the framing of a treaty to these and other ends. The Constituent Assembly as a whole is to have no part on lot in the settlement of provincial or group constitutions while groups are left to overbear the provinces in them. Whereas the people demanded that the central constitution must be formulated first and then the constitution of the provinces, the management contemplated by the Mission followed a reverse course. The Constituent Assembly above all is called upon to transact business under the shadow of British bayonets, and in the midst of commotions set up in the adjoining States whose princes, always despotic and personal in their rule, are encouraged in their autocracy by the announcement of paramountcy reverting to the states and residing in them.

On the top of all these came the warfare over the question of parity. When the Working Committee of the Congress met in Delhi in the second week of June, affairs were in a pretty mess. Rumours were thick in the air that the Viceroy had conceded parity to Mr. Jinnah, parity of representatives of the Congress and the League on the Executive Council at the Centre.

These rumours helped to negative the feeling of satisfaction created by the Viceroy's reply to the Maulana, who the moment the Working Committee had framed their resolution of the 24th May asking for a full picture got a somewhat reassuring letter from Lord Wavell. While denying that he had ever stated that India's Government would be of the type of the Dominion Government he hastened to assure the Maulana that the same close consultations and considerations as were extended to the Dominion Government would be extended by H. M. G. to the Government of the Union Centre. He added that what mattered was the spirit and not the document or guarantees which embodied such an assurance. He ensured freedom from external control. This was good as far as it went, but how about parity and how about the European members of the Assam and Bengal Legislatures exercis-

ing their vote or standing as candidates to the Constituent Assembly? The number of votes that could be controlled by the Europeans in the Bengal Assembly were nearly thirty including Anglo-Indian and Christian seats and that meant six seats in the Constituent Assembly as the quota required in Bengal was only five on the basis of P.R. with a single transferable vote. The Bengal Hindus would have had to forego six seats from the 34 General (Non-Muslim) which were assigned to them and in which were included the European group. Likewise in Assam the nine Europeans could tilt the balance of voting between the Hindus and the Muslims. In Assam the proportion of members to the Constituent Assembly stood at 7 to 3 as between non-Muslims and Muslims without the European complication. It was a neck to neck race between the Muslims and the non-Muslims in the two provinces put together and every vote counted. Apart however from the question of numbers there remained two important facts which outweighed all considerations of mathematical proportions. For one thing the small minorities of Muslims in Orissa and Non-Muslims in the N. W. F. Province were ignored and denied any representation on the Constituent Assembly. The quota of elected seats was assigned to the provinces in the ratio of one to a million population and the weightage accorded to minorities was done away with as an element of consideration in the matter. While, therefore, the number of Europeans in Bengal and Assam did not exceed a few thousands, their representation became fabulously large indeed unconscionably so. The second point of importance was that when all was said and done, the Europeans in India remained foreigners and themselves admitted the fact. In the face of such an admission, to claim a vote and voice in the matter of framing of a constitution for a country in which they are foreigners, and which is about to be declared its independence was fantastic to a degree and unjustifiable from any consideration.

Side by side with this vexed question, there loomed on the horizon the question of parity. In Simla No. 1 (July 1945) Lord Wavell had invited list of names to the executive council on the basis of parity between caste Hindus and Muslims, so that when the Congress sent up its list, it did not include the names of the scheduled caste representatives in its list of five but included two of them in the list of fifteen. A year later, in Delhi (June 1946, the strength of 15 dwindled to twelve with parity of five and five between the Congress and the League. The Congress accordingly had to include the name or names of the scheduled caste representatives, in the five allotted to it, while as in honour bound, it had as a national organization, to send up a Muslim name leaving thereby three names to represent caste Hindus in an executive council of twelve. Apparently fifteen was reduced to twelve at the instance of the League for fear that the supernumeraries over the parity figure were apt to be congress-minded. The number of such might profitably be reduced by three. Such an arrangement would give the Muslims 5 plus 1 or 6 seats and the caste Hindus three, reducing the majority in population to a minority in the Executive Council. The Congress did not mind who peopled the executive council provided the men were chosen as being the ablest and the most incorruptible available. Moreover parity was demanded by the League as a token and proof of dual nationality. When this claim was thrown out by the Cabinet Mission it passed one's understanding as to why it was being pressed in practice when denied in principle. Parity was the plant which sprang out of the seed of grouping and it was the declared policy of Mr. Jinnah to grow the tree in God's good time and make it yield abundance of flower and fruit. The Congress must be particularly shortsighted in vision and suicidal in policy to allow such a

seed to sprout and such a plant to grow and such a tree to flower and fruit.

Then again if the Muslims were regarded as a minority as they must be, they were given adequate protection against the "tyranny" of majorities in that the voting on communal questions was admittedly to be by a calculation of majority in the major as well as the minor groups of an organization, be it the Constituent Assembly or any Legislature. This should have set at rest all doubts and allayed all suspicions.

It has often been asked why if the Congress agreed to parity in Simla No. 1, it would not in Simla No. 2 and after. This question is relevant and may be answered in full. In Simla No. 1, the parity was not between the League and the Congress but between caste Hindus and Muslims. That was how Lord Wavell had amended the formula of the Bhulabhai-Liaqat Ali Pact. Then again when Simla No. 1 discussed the matter, the Constituent Assembly and the permanent Cabinet of the future were not before the country. Simla No. 1 was an immediate, temporary device to pave the way for a better Government. Even so it became a precedent to Simla No. 2 and after, and this might become a precedent to the Constituent Assembly and after. One thing leads to another and what is conceded at first as a temporary measure becomes a tight fixture for eternity. That was why it was resisted in Delhi in June 1946.

It was glibly suggested that after all the Congress should act in a spirit of *give and take.* The critic forgets how much the Congress has already given and how little it has taken. The last minute appeal of the Viceroy to the Mahatma (On the 11th June, 1946 in Delhi) that he should exercise his wonted magnanimity and make a generous gesture lacked reality in the face of the sacrifices already made by the Congress and the compromises already gulped by it. Self-sacrifice might at times reach the altitudes of self-effacement but could not be equated to self-extinction. Accordingly the appeal was out of place and could only elicit the suggestion that the best and most incorruptible men should be selected as members of Government.

As a matter of fact, the provisional Government was the dynamo which produced the current that served as the electro-motive force for the Constituent Assembly. Indeed all true Constituent Assemblies should be called by the national provisional Government though sometimes the Assembly, itself born, after a victorious revolution, formed the Provisional Government. The Congress had swallowed the groups which contained the poison of separation in them. The Congress was struggling hard to get rid of the thorn of European voting and representation that stuck in its throat while swallowing the poison. Now for the Congress to be asked to gulp parity was to hasten its own destruction and the destruction of its ideal of a united India.

In these negotiations the Congress labour under a distinct disadvantage. While the Muslim League spokesman was one, single, individual leader, and the same person always, the Congress had more than one leader, a Non-official leader in Gandhi, an Offlcial Leader in the Maulana, a *defacto* leader in Jawaharlal and a dynamic leader in the Sardar. This four-pronged leadership and diplomacy not only stood in glaring contrast with the unity of command in the League but also served to widen the range of possibilities for theViceroy to exercise his appeals and exhortations on different temperaments, in different ways and to different purposes. The Viceroy would, on one occasion, send one of his secretaries to Gandhi or phone to him and send a car and consult him (because Gandhi preferred to be the common consultant of the Congress and the League, the Viceroy and the Cabinet Mission). Or he would write to Maulana and fix up an interview, or would invite Jawaharlal to a dinner and talk matters over. Occasionally he would

send for the Sardar and get a few home-truths from him that he was not afraid of civil war, that all talk of it would cease when once the Government acted, that there was no difference of opinion in the Working Committee on the question of parity and so on. These home truths would sometimes shock him, and at other times, enlighten him. The Viceroy and the Mission were doubtless unnerved by the last minute firmness of the Congress on the question of parity. They conceived the brilliant idea of holding a consultation with the representatives of the Congress and the League for the preparation of a list of suitable members of the interim Government but failed to adopt the right precedure in not inviting the Maulana on behalf of the Congress but asking Jawaharlal Nehru's presence and help at the contemplated meeting. Perhaps he had an apprehension that if the Maulana was invited, Mr. Jinnah might not join the conference. Things, however, fared no better by substituting the Pandit for the Maulana. Nehru went to the Viceroy but Mr. Jinnah did not go on the 12th June, 1946 and that in spite of the two hours' coaxing of Jinnah by Sir Stafford Cripps in the afternoon. This gave a point to an *incident* that did not occur the previous night. It was widely believed that Jawaharlal would have his dinner with the Viceroy the previous night and the news of the event was duly announced in the morning but it was not true. Jawaharlal was at the States Peoples Conference till 10 p.m. and later it was stated that the proposed dinner had to be given up as Jawaharlal's whereabouts were not known. Could any sane man believe this story? The mighty British Government not knowing the public engagements of the foremost man in India! The fact apparently was that the contemplated conference of the 12th June, was timed to take place at a dinner on the 11th night and when one of the parties declined the invitation for the night, the matter was explained away. In any case there was great tension in the public mind regarding the progress of events or their retrogression. The post-prayer talks of Gandhi struck a pessimistic note on the 9th, 10th, 11th and 12th June successively. He began to emphasise the possibility of a breakdown, and the intervention of God in all such matters, the probability of a fight and the supremacy of the Divine will. All the while there were taking place interviews between four of the Congress leaders and the four representatives of Britain in India on one side, and likewise on the other, between the League and the Mission. Mr. Jinnah who did not join the conference had another talk with the Viceroy on the 13th June. Public opinion was growing more and more impatient. "Break it up", said same in disgust, "have patience" said a few—very few indeed. Little children of ten and twelve condemned *parity* in unmitigated terms. The European element taking part in the Constituent Assembly was deprecated by Gandhi and he appealed to them not to participate in Indian affairs at this crucial moment. Mr. C. P. Lawson, President of the Bengal European Association, magnanimously offered not indeed to keep hands off, but to reduce their own quota provided both the major parties approached them in this behalf and none he added had done so as yet. With becoming modesty the European Association of Bengal put itself on a par with the Cabinet Mission.

This spectacle of Europeans in Bengal and Assam claiming their full pound of flesh looked as if the thorns that are swept away along with the debris floating about the surface of a flood, claimed their place with the thatch in the reconstruction of the abode of nationalism. The European element was not even referred to in Section 20 of the Mission's Statement which deals with the minorities. Their presence on the Assemblies in Assam and Bengal was overlooked and the oversight by which they were swept into the group "General" was admitted more than once by more than one

high personage. Indeed it has been well said that "the Europeans in India, have for no fault of theirs, found themselves in a difficulty." That is true. The fault is not of the Europeans' primarily but of the Mission's. Even so, the former cannot escape the charge of being at fault in that they planned to take undue advantage of an unholy situation. Whosoever's is the fault, the fact remained that a promise was distimely made to the effect that the Mission and the Viceroy would use "all power and persuasion" they were capable of, to see that they did not come into the picture. It was obvious by the 14th of June that this question of the European was only a corollary to the problem. On the fifteenth news reached the public that the European party in the Bengal Legislature was willing not to put up any European candidate or any other candidate of their own for the Constituent Assembly and that they would participate in voting according to any agreement between the two major parties. One could not infer from this that they would neither stand nor even vote though there might be no agreement between the major parties. Anyway it passes one's understanding why they should vote if there was any agreement, for an agreement between the two major parties on the issue would wipe out all fears of intrigue and partisanship and the European element's help would not then be sought by either party.

On the 13th June the Viceroy presented Jawaharlal Nehru a scheme of 13 members and cleared some misunderstanding in regard to the personnel and proportions. The Congress insisted on having fifteen of whom the Muslims should have five which worked out a weightage of $33\frac{1}{3}$ per cent as against a Muslim population of 26 per cent in the Indian Provinces. In India on the 15th of June this remainded and represented the position and it was made clear that if this was not acceded to, the Congress would not be able to assist in the difficult tasks ahead. It was not a final, but a penultimate 'No' to the Mission's proposals. For one thing the Congress was all along smarting under the fact that the future co-operators on the National Provisional Government would not meet at the Viceroy's place and even on his invitation. One is reminded of what Sir Stafford Cripps had said in Parliament in October 1942, namely, that while he had travelled 7 thousand miles to India to bring about a settlement, the Congress would not cross a street to meet the League. Leave 1942 alone. What happened in 1946? Did Mr. Jinnah care to cast his shadow at the Viceregal House to meet Mr. Nehru, let alone the Maulana, even after the Viceroy had invited him? No, he would not cross a street or lane. Under these conditions it was no wonder that it should be thought that there was no agreement. But when the Viceroy assumed on the 15th June, that the letter of the Congress meant that his efforts to bring about an agreement failed and followed the letter up with another on the same day couched in most conciliatory terms, and ending with an expression of the hope that even at this last moment the Congress will now accept the statement and consent to join the interim Government, when further he argued, that there was no parity in the offer of 5+6+2, he was only repeating the positions envisaged earlier either in documents or in interviews which did not take the Congress any farther. The Working Committee was accordingly compelled to say that it had nothing to add to what it had said already and accordingly to await the statement of the action proposed to be taken by the Delegation and the Viceroy on the 16th June.

The sixteenth of June came and went. It was on the 16th October 1905 that the Partition of Bengal was enforced. Later it was on the 16th of May, 1946, that the partition of India was sought to be enacted in its rudiments. Again it was on the 16th June, 1946 that a national Provisional Government (Compendiously called Interim Government) was announced in accordance

with the Viceroy's intimation of the previous day. Fourteen men were chosen, the five of the Muslim League being identical with the list furnished by it, while the six of the Congress included a member (doubtless a good Congressman, indeed the Congress Premier of Orissa), in place of the names given by the Congress. The Congress had objected to one name out of the League's list of five—namely Mr. Abdul Rab Nishtar, but the objection was overruled, while without the Congress's knowledge or consent, Sarat Chandra Bose's name was replaced by that of H. K. Mehtab, Premier of Orissa and the names of Shreemati Amrit Kaur, Zakir Hussain, Mr. Muniswami Pillay (Harijan) were unceremoniously turned down. It was evident that the Viceroy still continued to deem the provisional Government only as his old-time Executive Council. The Congress had three grievances namely,

(1) the selection of Janab Nishtar, from the N. W. F. Province, where he had not been successful in the provincial elections against a Congress candidate and where he was made the subject of a vote of no confidence as a member of the Aurangzeb Ministry.

(2) the omission of a nationalist or Congress muslim, and

(3) the changes effected were made without consulting the Congress.

When therefore the Viceroy's list was before the public, it was not as if it could be straightway accepted without taking counsel with the Sikhs on the name of Sardar Baldev Singh and the Frontier leaders. Over and above these, there lay the question of restoring Sarat Babu in place of Mehtab who was asked promptly to reply to the Viceroy that he as a Premier and Congressman was in the hands of the Working Committee. Should each of these points be insisted upon to the breaking point ? Would any Mussalman accept a place for which a vacancy was created by the withdrawal of a Congress Hindu nominee, as there was clearly no chance either of incorporating his name as one of the League's five names, or adding to the list of fourteen, one more name afresh. Then the Congress had suggested the name of Shreemati Amrit Kaur which was unceremoniously turned down. That raised a question of prestige. Discussions relating to these several matters passed through kaleidoscopic changes and attention was drawn to the need to consider the totality of circumstances namely, the food problem staring the nation in the face, the Railway strike looming large in the horizon, the chaos and confusion that will spontaneously come into being in the wake of a rejection, the moment such a rejection was decided upon. The Congress was not afraid of these developments. Perhaps full independence might never materialize without the country passing one day through the confusion and carnage that must herald it. Egypt was declared independent on 29th February, 1921. Yet in 1946 Egyptians were still negotiating the exit of the British troops. The Congress was in a difficult position. On the 18th June the tentative decision was to accept the scheme of the Interim Government as it emerged then. A draft resolution was framed that night and next morning Jawaharlal left for Kashmir and three other members left Delhi.

Affairs then took a sudden turn. The issue relating to Janab Nishtar was after consultations with Khan Abdul Gaffar Khan not considered a first class one to break upon or even to re-emphasise. That relating to Mehtab was settled when assurances were forthcoming on the inclusion of Sarat Babu in his place. But would not the Congress be untrue to its national character if it also swallowed the insult relating to the omission of a nationalist mussalman? At this juncture Mr. Jinnah's sudden outburst against any such inclusion forced *to the front* the issue which had almost been finally settled, and gave additional point to that other issue relating to Mr. Engi-

neer's inclusion. While matters stood thus, the *Statesman* of the 19th June revealed some correspondence between Mr. Jinnah and the Viceroy. Opinion began to veer round to the view that the Congress was allowing itself to be jockeyed into concession after concession by Mr. Jinnah's intransigeance. More thought bestowed upon the issues relating to the exclusion of a Congress Mussalman and the inclusion of a Government Official in the Central Executive, gained for them hour by hour greater emphasis than was thought necessary earlier and it was freely admitted that they were vital issues which could not be overlooked both because of Mr. Jinnah's flamboyant denunciation of the one or Sir Stafford Cripps' importunate appeals in regard to the other. The return of the absent members was accordingly requisitioned and a *De Novo* consideration of the whole case was regarded as not only necessary but inevitable. Moreover politics is always subject to unexpected vicissitudes and under the stress and strain of a parallellogram of forces, the resultant tends to vary both in direction and velocity; and that accounted for the "delays and dilatoriness" so called of the Working Committee in reaching a final decision. The Committee was the custodian of national interests which could not be disposed of under irrigtation or in despair. Every aspect of a situation had to be carefully handled and comprehensively judged. Above all history should not repeat itself in its uglier details. What happened in July 1940 at Poona deserved recalling. The A.I.C.C. under the influence of a majority of the Working Committee, resolved to render aid in War under certain conditions. Gandhi was against it. His hostility and Jawaharlal's neutral position at Poona sealed the fate of the Poona Resolution. In less than a month or two, the Working Committee had to seek the advice of Gandhi. In the third week of June 1946, things were more or less in a similar position. There was no unnecessary secrecy maintained about Gandhi's firm attitude upon the inclusion of Nishtar, Mehtab and Mr. Engineer in the Congress Executive and the exclusion of a Nationalist Muslim and a Congress woman from it. After a short vacillation the Working Committee veered round to his view so necessitating the return of absentee members, in order to avoid any misunderstanding that a major decision was taken or discussed in their absence and against the impression with which they had left.

On the 21st June, the Congress President specifically asked the Viceroy to supply copies of letters written by Mr. Jinnah to him and his reply thereto, on the subject of the right of the Congress to include a Mussalman in place of a Congress (Hindu) nominee on the Provisional Government. The Viceroy avoided giving the copies of letters asked for but stated in a separate communication that he could not agree to such an arrangement. He also categorically quoted the answers given by him to the several questions which had been reported already in the press to have been put to the Viceroy by Mr. Jinnah. All of them only confirmed the view that he was cent per cent with Mr. Jinnah and that the Viceroy's reply on the question of a Mussalman as one of the Congress nominees on the Provisional Government was of a piece with the rest. (Reference:—see Appendix IV—Maulana's letter, dated 21st and Viceroy's reply dated 21st and 22nd June). This attitude of the Viceroy was in glaring contrast with the Viceroy's reply to the Maulana, dated 14th June on the question of Mr. Nishtar's inclusion in the Provisional Government, on behalf of the Muslim League, in which he had stated that he could not accept the right of the Congress to object to a League's nominee any more than he could accept the right of the League to object to a Congress nominee. If that was the position on the 14th June, it passed one's understanding how on the 21st or 22nd June, he could say that it was not open to the Congress to nominate a Mussalman on to the Provisional Govern-

ment on behalf of the Congress and that, undoubtedly at the behest of Mr. Jinnah. Moreover on this question the Viceroy had distinctly given the Congress earlier to understand that if the Congress had in mind Zakir Hussain's name, that could easily go through. Having said so he refused the request point blank in his letter dated 22nd June.

That was not all. Mr. Jinnah's questions raised new points. While the Viceroy was denying the existence of parity, institutional or communal, Mr. Jinnah wanted to establish the fact of parity which was neither between Congress and League nor between Hindus and Muslims but between Caste Hindus and Muslim League, so converting the Congress into not merely a Hindu but a Caste Hindu organization. From the answer given by the Viceroy to Mr. Jinnah's question No. 4. it is clear that the latter wanted to separate the Scheduled Caste representative from the Congress group and include him as one of the four minority community representatives. Then the Congress representation is reduced to five in number and the Congress character is reduced to that of a Hindu (Caste) body. Moreover the Viceroy stated :—

> "If any vacancy occurs amongst seats allotted to minorities, I shall naturally consult both the main parties before filling them."

This was in answer to a question in which Mr. Jinnah spoke of the 4 seats allotted to the 4 minorities, which included the representative of the Scheduled Castes. From this it became evident that the Scheduled Caste representative would be considered to be unconnected with the Congress or the Hindus. On the one hand in grouping the communities, according to the Mission's statement of the 16th May, except the Muslims and the Sikhs, all the other minorities were thrown into the group 'General' and thus directly became linked to the Congress. But when vacancies arose in any of the four minorities provided for in the Provisional Government, Mr. Jinnah was to have the right of veto. Then again in administrative matters, the Viceroy's letter, dated the 21st June says that the rule of majorities in groups would apply to the Provisional Government and it was added that the Congress President appreciated this point of view. This made the position of the Provisional Government worse than in the Executive Council. Really anything that anybody might have said prior to the statement of June 16th by the Mission must be deemed to have been wiped out by or absorbed in the statement itself, which is a state document. Apart from it the fact was such an appreciation related to a Cabinet responsible to the Legislature. Thus will it be seen that on every point the Viceroy was with Jinnah. It looked as if the Viceroy said to him :—

> "You desire only Pakistan which is but a quarter of Hindustan. Have the whole of Hindustan and reign over it. It is your veto that will count on every decision, in respect of every post. It is your writ that runs without let or hindrance."

That was the meaning and purpose of the attitude of the Mission. How else could one explain the answers given by the Viceroy to Mr. Jinnah's questions? (See Appendix IV). How else could one explain the demand for a declaration by every candidate for election to the Constituent Assembly that he abides by Paragraph 19 of the Statement of May 16th ? (This was later corrected). At last the Working Committee took its courage in both hands and reached the decision on the 23rd June to go into the Constituent Assembly. But there hung a fatality over its decision of the 23rd as on its earlier decision of the 18th. A telegram from Assam and Bengal brought to

its notice the fact that every candidate was required to sign a declaration that he was going into the Assembly for purposes of paragraph 19 of the statement of 16th May. The paragraph related to groups and sections. It was, however, the only paragraph too that related to the elections. The misunderstanding was explained and the Working Committee abated its objection. In the meantime it transpired in conversations between leaders and the Mission that if the Congress chose to go into the Constituent Assembly, the statement of 16th June and all that happened later would be scrapped and a *de novo* attempt made to form the Interim Government. This happened on the 24th morning. But the decision to go into the Constituent Assembly which was almost taken the previous day had nothing to do with this information as paragraph 19 was the only bugbear and that was seen to be harmless. In the end when the decision was communicated to the Mission and the Viceroy, there was jubilation in every quarter, in Governmental circles that they had at last hooked the Congress into the Constituent Assembly, in Congress circles that they had shaken off the fetters secretly forged by the League round the 'minorities' and round 'parity', and in the League circles, that there would be an Interim Government without the Congress. But it did not take long for the League to be disillusioned. Government presently came forward with their statement of the 27th June (see Appendix IV) explaining how further negotiations had to be suspended (in other words how the 16th June statement had to be scrapped) in view of the Congress having accepted the statement of 16th May. Jinnah insisted that Section 8 of the statement of 16th June should be implemented, which stated that in case either or both parties failed to go into the Interim Government, the vacancies would be filled so as to make the Council as representative as possible of those who accepted the Statement of 16th May. The Congress accepted this statement but refused to go into the Interim Government. This was not anticipated by the Mission which found itself in an unexpected and baffling position and therefore felt called upon to consult the full Cabinet in London. Accordingly they published their statement of 27th June and departed for England on the 29th June. But before they went there was an exchange of amenities between them and Mr. Jinnah. The latter demanded the postponement of the Constituent Assembly as the Constituent Assembly and the Interim Government hung together. They denied this assertion and refused to postpone the Constituent Assembly. The Viceroy himself made it clear that he would act under Section 8, only he added that a short interval might ease the situation and improve the chances of an Interim Government being formed.

The time came for all parties engaged in the pourparlers to report the progress of events to their principals. The Congress held a meeting of the All-India Congress Committee without delay on the 6th and 7th July in Bombay and placed before them a single line resolution asking for the ratification of the settlement made with the British Government. Naturally no amendments could be admitted for it was a settlement by agents whose confirmation by the principal was sought. 'Yea' or 'no' was the only reply and AICC gave its approval by 205 against 51 votes.

When all was said and done there remained the moot point as to whether the Constituent Assembly was or could be a sovereign body, whether elections to it could be regarded as legally valid, and whether the system of proportional representation with the single transferable representation with the single transferable vote and the division was within the terms of the Government of India Act, in other words whether the statement of the 16th May

could be regarded as a legal document. The legality was denied in legal circles. The sovereignty of the Constituent Assembly itself was questioned so long as by a Royal Proclamation that sovereignty was not made to devolve upon the Assembly. The wisdom of passing an Act of Parliament in this connection was doubted by the Mission itself unless as the AICC did, the agents of the British Parliament on the other side, namely, the Cabinet Mission and the Cabinet sought a forthright confirmation of the Statement of the 16th May 1946 *en bloc* without any amendment. Matters were left in this dubious state when the Legislatures seriously entered upon their task of electing representatives to the Constituent Assembly and completed them by the end of July 1946.

The immediate reaction that followed was the League's refusal to participate in the short range as well as the long range arrangements, towards the end of July. The League fixed the 16th August as the day of 'Direct Action' and the wheels of Government appear to have been put in motion forthwith. On the 6th August the Viceroy wrote a letter to the President of the Congress intimating to him his wish that the latter should assist in forming the Interim Government at the Centre. This decision, he said, was arrived at with the concurrence of His Majesty's Government. The Working Committee which met at Wardha forthwith closed with the offer and the Viceroy immediately announced his offer and the Congress President's acceptance, at 7 p.m. on the 12th August. Events moved with whirlwind rapidity. The Working Committee passed a resolution at the same time addressing the League in sweet and winning language and desiring its co-operation. The President himself promptly addressed the President of the League as he should do, in a business like manner. Mr. Jinnah's first reaction to the Working Committee's resolution was not unexpected. He saw nothing new in it but only old lamps under a new dome. Obviously the Viceroy did not address Mr. Jinnah this time because 'Direct Action' was threatened by him. The Bengal Government declared the 16th August as a public holiday for its observance.

With regard to the observance of August 16 as the "Direct Action Day" Mr. Jinnah, President, All-India Muslim League, in a statement said that the day had been fixed for the purpose of explaining to the Muslim public all over India the resolutions passed by the Council of the All-India Muslim League on July 19 at Bombay and not for the purpose of resorting to 'Direct Action' in any form or shape.

He, therefore, enjoined upon the Mussalmans to carry out the instructions and abide by them strictly and conduct themselves peacefully and in a disciplined manner and not to play in the hands of their enemy.

But the warning came too late when it reached the public only on the 15th August. There was an orgy of violence in Calcutta and Sylhet. The streets of Calcutta flowed with blood. Rough estimates of 'killed' varied, ranging about 7,000, besides many more thousands wounded. Events elsewhere were unnoticeable compared with those in Calcutta. Likewise in Sylhet there were casualities, also in Dacca. There was a loud and persistent demand for the recall of the new Governor of Bengal, who it was stated had failed in his duty. Calm was restored within a week but the unexpected outbreak of reckless violence was found too much for the normal equipment for treatment. Corpses stagnated sometimes in the streets of Calcutta. Thousands were left homeless and foodless. Arrangements quickly improvised could not possibly cope with the requirements of the

times. An investigation was widely demanded into the genesis of the outbreak and the Congress Working Committee asked for one of a judicial character. The demand did not go in vain. A public enquiry was ordered by the Bengal Government with the Chief Justice of the Federal Court, Sir Spence, as the Chairman; Mr. (ex-Justice) Somayya of Madras and Sir Fazal Ali.

Here we may anticipate developments in order to give continuity to the story of the riots in India. The Calcutta happenings were traced to the initiative on the part of one community and reprisals on the part of a second. The reprisals were severe and disproportionate to the original michief. "Apparently this policy of three teeth for one tooth" provoked the population in Noakhali and Tipperah. In both these districts the Muslim population is in a majority over the Hindu. In fact in Noakhali it is 18 laks versus 4 laaks. It was the variety and intensity of the crime in these two districts in East Bengal that attracted notice and roused a sense of horror all round, rather than the numbers dead and wounded. Abductions and forced marriage, rape, compulsory conversion into Muslim, cases of wholesale arson, destitution of whole families, single pointed attacks upon the houses and property of notable families created distress in East Bengal which was not to be compared to the mass deaths three years earlier by starvation in the province. There was a large scale exodus of Hindus to Bihar where rumours of suffering and sorrow in its neighbourhood, perhaps long suppressed or underrated, gained, spread quickly and widely, rousing, to use Carlyle's words in his *French Revolution* " the inflammablest the immeasurablest " masses in Bihar to acts of fury and vengeance. This unexpected and fierce development roused the conscience of the Congress and every decent minded and humane congressman and while Gandhi left for East Bengal to restore confidence and a sense of security and induce the refugees to return to their desolate homes, when thy survived the great tragedy, Jawaharlal Nehru, the Vice-President of the Executive Council hastened to Bihar to terminate the week's horrors. It is true that Muslim Members accompanied their Hindu colleagues both to Bihar and Bengal but Mr. Jinnah nowhere expressed indubious regret over the events in Calcutta and East Bengal. Again, while Gandhi and his colleagues were urging the Hindu population to protect their Muslim sufferers and minorities, Mr. Jinnah deferred his exhortation to the Muslims to protect Hindus till the fifth of December, 1946 (what an interval from the 16th August!), when on the invitation of the British he along with other members went to London to parley with the Cabinet on the question of harmonious work in the Interim Government and participation in the Constituent Assembly. Every now and then his slogan was *Direct Action* and his shibboleth was *disastrous consequence* which last he repeated in London once agian on the aforesaid occasion. But in the meantime, the vicious circle was going on. Events rapidly spread to U. P. and at Gadmukteshwar there was a sporadic bout of murder followed by arson and it had its sequel in the events at Dasna. In Meerut city where the Annual Session of the Congress was to be held, some of the Congress structures were set on fire—an event which led to the session being confined to delegates. In the city of Meerut there happened events the like of which were unusual. It was said there were a few conversions to a religion which has never known proselytization. The problem all round was how to restore calm and confidence. The vicious circle must be cut somewhere if peace should be restored but constant indulgence in mutual recrimination would have the only effect of keeping the fires of anger and vendetta alive and aflame. There were wild exaggerations of casualties

in East Bengal as well as Bihar. On his return from East Bengal, Pandit Jawaharlal made a considered statement in the Central Assembly on the disorders in which he did not mince matters but put down the riots to the initiative and the incitement of the Muslim League. It had its reaction in another statement made in the Upper House (the Council of State) at the Centre where Janab Abdul Rab Nishtar, a Member of the Interim Government put down the deaths in Bihar as running into seven figures and those in East Bengal not exceeding three hundred. This promptly evoked a reply from Babu Rajendra Prasad in the Council of State who forthwith described his colleague's estimates as 'absurd'. The spectacle of two members of a Government making opposite statements of fact clearly showed that the Interim Government, whatever else it was, was not a Cabinet or even a Coalition. It was a government of men who were merely in juxtaposition very much like the indissoluble praticles of a mechanical mixture as opposed to those in a crystalline compound. What began as a Cabinet with joint responsibility thus proved to be a myth the moment the League joined the Government at the Centre and disputes rapidly multiplied within and without. These were finding their echo in the districts. As the Viceroy and the Congress and League delegates were in London in the first week of December 1946, a 37-hour curfew was ordered in Ahmedabad, the stabbings in Bombay showed no signs of decrease; while events in Dacca where rioting and communal slaughter almost became endemic, there occurred another of those violent exacerbations which befouled the fair name of the whilom capital of East Bengal. Dacca which was famous in history for the production of the finest and most artistic muslins, covered itself with the infamy of being the centre of strife and slaughter. Events happended altogether which jeopardized even progress in the future and necessitated fresh consultations in London which Congress declined to join at first (soon after the Meerut Session) but to which on further assurances from the Premier of Britain, Jawaharlal alone went on the 1st of December, only to return for the Constituent Assembly timed to sit on the 9th December.

In all this harrowing tale of woe, of families wiped out, villages burnt, women raped, abducted and forcibly married, in this tragedy which has outdone the tragedies of history, the not orious Armenian massacres of old, the Black and Tan pogroms of Ireland, and the more recent slaughter of Jews in Germany, there remains but one bright spot, one shining light, one solitary individual, marching "alone and unfriended, melancholy and slow" through the marshes of East Bengal, witnessing forlorn houses by the thousand and forsaken families by the million, carrying however with him the torch of hope and peace, exhorting people to shed fear and learn to *believe*, dwelling upon the essential good in human nature and the ultimate triumph of love over hatred, holding aloft the torch of Truth in the midst of untruth, of light in the midst of darkness and of life in the midst of death. Gandhi swore that he would bury himself in the marshes of East Bengal rather than allow his faith to flag or his fervour to fade. While thus he was carrying the lamp of Non-violence far and wide, he conceded that violence was better than cowardice. Not a few were they, who themselves being apostles of violence, fell foul of this proposition and pointed their finger of scorn to the Saint of Sewagram who fell seven fathoms below his pet idea of Non-violence. But it is seldom realized that philosophers' doctrines are well observed even as bachelors' wives and maids' children are well taught. It is when the philosopher descends (ascends) into the world of affairs and becomes a politician that his doctrines have to be attuned to the experiences and demands of a matter of fact world, even as it is as a married

man that a bachelor's ideals are to be implemented and as a matron that a maid's goal is to be attained. It required rare courage, unusual self-confidence and burning faith for Gandhi to stand firm as a rock in East Bengal and face the doubts of his friends and the taunts of his foes while heroically and ever prepared for a martyrdom—he preached the gospel of fellowship and goodwill on earth to those whom God united, but whom man hath rent asunder. Verily it looked as though that everything in creation was beautful but only man was vile.

We have anticipated events and we must now revert to the middle of August 1946.

On the 17th August, Jawaharlal saw the Viceroy and on return held consultations with three of his colleagues. The list of the proposed members of the Interim Government was ready. It was only necessary to find a substitute for Sir N. P. Engineer of the list of the 16th June, 1946 and five Nationalist Muslims in place of the Leaguers. When the final list was presented to the Viceroy, the latter made an official announcement on Saturday, the 24th August and the new Government took office on the 2nd of September. In his broadcast on the 24th August night, the Viceroy issued once again an invitation to the Muslim League to join the Interim Government.

Immediately after the broadcast of 24th August, the Viceroy hastened to Calcutta to witness the scenes with his own eyes and was so deeply impressed by the horrors perpetrated in the "Second City of the Empire" that he thought it worthwhile impressing the Congress once again with the seriousness of the situation. He would fain have the Working Committee revise its Wardha decision on the question of the Provinces being free not to join a section and was anxious that the Congress should be prepared in the interests of communal harmony to accept the interpretation of the Cabinet Mission that a province or a group if formed cannot exercise the option of getting out until the Legislature formed under the new Constitution met and decided to that effect. This was an extraordinary view to take. That was not all. The worst of it was that the Viceroy assumed a minatory tone and threatened not to convene the Constituent Assemly unless some such thing was done. If that was his view, he had no business to invite the Congress President to make his proposal for the Interim Government.

The Viceroy forebore and recovered his balance and the Interim Government was formed on the 2nd September, 1946 according to plan and no one had the power not to summon the Constituent Assembly for even if the Viceroy wanted to dally in the matter, the Interim Government was there right enough to summon the Assembly betimes and proceed with its programme of work.

On the day on which the Interim Government—it must be more appropriately called Provisional National Government—took charge one was naturally reminded of how it represented the fulfilment of the promise of old—the promise of India's deliverance from bondage very much like that of Israel's exodus to the land of Canaan from their bondage in Egypt. The *soil* that was prepared by Macauly in the thirties of the eighteenth century of the proud day in the annals of British Empire when India would have Self-Government, the *seed* that was sown by W. C. Bonerjee in 1885 to gather together under one banner the different sub-nationalities of India, the *plant* that was nursed by the waters of "Love and Service" poured out by Ananda Mohun Bose in Madras in 1898, the *tree* that was christened 'Swaraj' by the Grand Old Man of India in 1906 in Calcutta, the *flower* that blossomed as Home Rule in 1917 at the hands of Mrs. Besant, the *fruit* that made its

appearance in 1929 as Complete Independence or *Purna Swarani* with Jawaharlal as the *baghban*—all these marked the stages of the fulfilment of the hope and the promise of sixty years in the formation of the Provisional National Government. The fulfilment was doubtless there, but the fructification was yet to take place. Swaraj is not a ripe fruit that falls from the tree but must be plucked in time and ripened with care and attention by trained gardeners. Fourteen such gardeners, good and true, were put to the difficult and delicate task of incubating it in the Constituent Assembly and ripening it to the right point of sweetness and savour.

It is often asked why Britain should have agreed to part with power. There were many circumstances to be reckoned with. And of them, the inexorable march of time and force of circumstances were the chief operative factors tending to counteract the worldly wisdom of empire-builders. It is the weakness of man to cast a longing, lingering look behind, when empires are vanishing and crowns are going into the melting pot. The woes of victory always outstrip the hopes of warriors and the problems of 'Peace' are more difficult to solve than those of wars. The economic consequences that followed World War No. I were disastrous for those that had won it and vanquished Germany took victor Britain captive in 1919 and the score of years that followed it. Likewise it was discovered that, whereas after World War I, a draft treaty was presented to the Germans on May 7 and signed at Versailles on June 28, 1919; (seven and a half months after the German surrender) in August 1946 thirty four months after the Italian surrender, fourteen months after the collapse of Germany and eleven months after the defeat of Japan, no Peace Treaty had been presented and the Peace Conference had only begun on July 29, 1946. It only led to bickerings and bitter jealousies, jars and mutual recriminations, for Russia was no less imperialistic than Britain or France and it was seen that the Socialistic Labour Government in Britain or the Soviet in Russia were perfectly compatible with the Imperial rivalries of both. Such rivalries brought Britain and Russia face to face and portentous scenes intervened from time to time in the 'Peace' negotiations. Britain continued to depend upon food supplies from abroad for the best part of the year and could not pay for them except in kind. Her relations with India had therefore to be friendly, whether judged from her internal needs or external fears. Added to this remained the fact that she could not rule India as hithertofore. Thus for more than one reason Britain saw the wisdom of making up with India and whether her intentions were sincere or whether she designed to gain time as in Ireland and Egypt remained to be seen and depended less upon her plans than upon the determined purpose of India to estabish her complete Independence as a full-fledged member in the comity of Nations. If, therefore proud old Albion judged correctly and acted wisely, there lay every prospect of a world federation. If she chose any other course, she could not blame India if in the struggle that was bound to ensue Britain vanished from history with the British Empire much as Rome disappeared with the fall of the Roman Republic.

It was thus that the drama of the Congress reached its epilogue. For over sixty years, its plot had been developing from Act to Act, from small beginnings to soul-stirring crises. The curtains rose and fell, the characters appeared and vanished, the scenes changed and the music altered; but the theme remained the same embodying the nation-wide struggle and strife for freedom, of an ancient people who had risen to the pinnacle of eminence in culture but were outstripped in the race of life by modern nations, vigorous and energetic, whose advance in civilization through Western Science and materialistic growth helped them engulf their coloured neighbours on earth

and build up mighty empires in the south-east and north-west of Asia. The middle of the twentieth century witnessed the awakening of India and China, of Malaya and Indonesia, of Palestine and Arabia, of Egypt and Syria and proved a landmark in the mareh alike of the Mongolian and the Aryan and the semetic races on the road to freedom. That mareh was by no means even or uneventful in its progress but all obstacles were eombated and many hurdles were crossed in the nations' marches to their goals. This simultaneous struggle of South East and North West Asia to emancipate herself from the thraldom of the West found its leadership in India and her eult of Satyagraha based on Truth and Non-violence by whieh alone it would ever be possible to replaee the confusion and earnage of the West by the spirit of fellowship and brotherhood of the East, so paving the way for the advent of that far-off divine event "the Parliament of Man and the Federation of the World."

अयं निजः परो वेत्ति गणनां लघुचेतसां ।
उदारचरितानां तु वसुधैव कुटुंबकम्॥

# THE CONSTITUENT ASSEMBLY TANGLE

The circumstances under which the Interim Government was formed at first without the League representatives and later with them, have been described briefly in the Epilogue. Later developments have necessitated a reversion to the subject. It was fondly believed at the time the League joined, that not only in accordance with the original conditions of entry into the Interim Government, but also under the direct assurances given by Lord Wavell on behalf of the League, the League accepted the long-range proposals as well and it was accordingly hoped that it would join the Consambly without demur. But shortly after joining the Government, the League leader announced that the League would not join the Consambly and that it adhered to its demand of Pakistan and two Constituent Assemblies.

While matters stood thus, all of a sudden an invitation was extended by the British Premier to two representatives each of the Congress and the League and in addition the Sikh member on the Interim Government to go to London for further talks on the Consambly. The first reaction of the Congress was not to respond since any issue relating to the Constituent Assembly, as to the Constitution of India, should be settled and shaped by Indian hands on Indian soil for the Indian people. That was how the Cabinet Mission's visit to India was welcomed and if they wanted matters then decided upon, to be reopened, it must be in India, not in London. But the importunity and reassurance of Mr. Attlee, the Prime Minister of Britain, had the effect of inducing Jawaharlal Nehru to accept the invitation much perhaps against his own will, and certainly much against the expressed will of some at least of his colleagues. The visit to London of Jawaharlal Nehru and Sardar Baldev Singh was brief and uneventful. It was hoped that the results of the visit would be equally inconsequential. After interviewing the visitors from India individually or in groups of particular persuations, the Prime Minister held a Conference of all the visitors and read his now famous statement of December 6th which threw a veritable apple of discord into Indian politics. No opinions were previously invited on the pronouncement while yet it was in draft and the Congress and Sikh members of the Interim Government returned to India in time for the Constituent Assembly which was scheduled to commence its sittings on the 9th December, 1946.

The following is the full text of the British Cabinet's statement dated the 6th December.

"The conversations held by His Majesty's Government with Pandit Jawaharlal Nehru, Mr. M. A. Jinnah, Mr. Liaquat Ali Khan and Sardar Baldev Singh came to an end this evening as Pandit Nehru and Sardar Baldev Singh are returning to India tomorrow morning" says a statement issued by the British Government on Friday night on the conversations with the Indian leaders.

"The object of the conversations has been to obtain the participation and co-operation of all parties in the Constituent Assembly. It is not expected that any final settlement could be arrived at, since the Indian representatives must consult their colleagues before any final decision is reached.

"The main difficulty that has arisen has been over the interpretation of paragraph 19 (5) and (8) of the Cabinet Mission's statement of May 16, relating to meeting in sections, which runs as follows :

Paragraph 19 (5) : "These sections shall proceed to settle provincial constitutions for the provinces included in each section and shall also decide whether any group constitution shall be set up for those provinces and if so with what provincial subjects the group should deal. Provinces should have power to opt out of the groups in accordance with the provisions of sub-clause (8) below.

Paragraph 19 (8) : "As soon as the new constitutional agreements have come into operation, it shall be open to any province to elect to come out of any group in which it has been placed. Such a decision shall be taken by the legislature of the province after the first general election under the new Constituent Assembly.

"The Cabinet Mission have throughout maintained the view that the decisions of the sections should, in the absence of an agreement to the contrary, be taken by a simple majority vote of the representatives in the sections. This view has been accepted by the Muslim League, but the Congress have put forward a different view. They have asserted that the true meaning of the statement, read as a whole, is that the provinces have the right to decide both as to grouping and as to their own constitutions.

"His Majesty's Government have had legal advice which confirms that the statement of May 16 means what the Cabinet Mission have always stated was their intention. This part of the statement, as so interpreted must therefore be considered an essential part of the scheme of May 16 for enabling the Indian people to formulate a constitution which His Majesty's Government would be prepared to submit to Parliament. It should, therefore, be accepted by all parties in the Constituent Assembly.

"It is, however, clear that other questions of interpretation of the statement of May 16 may arise, and His Majesty's Government hope that if the Council of the Muslim League are able to agree to participate in the Constituent Assembly, they will also agree, as have the Congress, that the Federal Court should be asked to decide matters of interpretation that may be referred to them by either side and will accept such a decision, so that the procedure, both in the union Constituent Assembly and in the sections, may accord with the Cabinet Mission's plan.

"On the matter immediately in dispute, His Majesty's Government urge the Congress to accept the view of the Cabinet Mission in order that a way may be opened for the Muslim League to reconsider their attitude. If in spite of this reaffirmation of the intention of the Cabinet Mission, the Constituent Assembly desires that this fundamental point should be referred to for a decision of the Federal Court, such a reference should be made at a very early date. It will then be reasonable that the meetings of the sections of the Constituent Assembly should be postponed until the decision of the Federal Court is known.

"There has never been any prospect of success for the Constituent Assembly except upon the basis of the agreed procedure. Should a constitution come to be framed by the Constituent Assembly in which a large section of the Indian population has not been represented, His Majesty's Government could not of course, contemplate as the Congress have stated they would not contemplate forcing such a constitution upon any unwilling parts of the country."

In the words of the British Cabinet's statement, "the avowed object of the conversations was to obtain the participation and co-operation of all parties in the Constituent Assembly." But it is admitted that "no final settlement could be arrived at since the Indian representatives must consult their colleagues before any final decision is reached." The difficulties cen-

tered round paragraph 19 (v) and (viii) of the Cabinet Mission's Statement of May 16th. The former relates to grouping and the latter to a province opting out of a group. The Statement proceeds to restate what meaning the Cabinet Mission had attached throughout their stay in India to the character of the majority by which the grouping should take place. That, says the Statement, is a majority vote of the representatives in the section. In other words the Statement asserts that it is voting by individuals not by provinces. The Cabinet fortifies its view by invoking on their side the legal advice they had taken in London. Having said this much they declare anew that "this part of the Statement as so interpreted must, therefore, be considered an essential part of the scheme of May 16th, 1946 for enabling Indian people to formulate a new Constitution which His Majesty's Government would be prepared to submit to Parliament. It should therefore be accepted by all parties in Constituent Assembly." The Cabinet proceed to "urge the Congress to accept the view of the Cabinet Mission in order that the way may be opened for Muslim League to reconsider their attitude." While, however, recommending that if the Federal Court's decision should be obtained "on this fundamental point, such reference should be made at an early date" and that until then "it is reasonable that the meetings of the sections of the Constituent Assembly should be postponed." The Cabinet statement adds:

> "It is, however, clear that other questions of interpretation of Statement of May 16th may arise and His Majesty's Government hope that if the council of the Muslim League are able to participate in the Constituent Assembly they will also agree that the Federal Court should be asked to decide matters of interpretation that may be referred to them by either side and will accept such decision."

Finally there is the last paragraph of the Statement which embodies the threat that "should a Constitution come to be framed by a Constituent Assembly in which a large *section* of Indian population had not been represented, His Majesty's Government could not of course contemplate as Congress have stated they would not contemplate forcing such a constitution upon any unwilling *parts* of the country." ( Italics ours. )

What then are the new points that emerge from this statement ?

1. That voting in sections regarding grouping should be by individual votes which would make grouping compulsory and thus defeat the view expressed in the statement 15 (v) that it is open to the provinces to form groups. What was optional has been made compulsory and the right of a Province to form its own Constitution, a condition pre-requisite to Provincial Autonomy, has been defeated.
2. That this interpretation is supported by Government's legal opinion in England. Such a statement anticipates, prejudices and vitiates the Federal Court's judgment on the subject of voting and thus nullifies the provision for any such decision.
3. The Cabinet virtually demands that while for a point to be decided by the Federal Court either side may refer a matter to it, the matter at issue namely grouping could be referred to the Federal Court only by a desire of the Constituent Assembly.
4. The Cabinet declares that their own interpretation should be regarded as the correct one and accepted by all in order that His Majesty's Government would be prepared to submit the new Constitution to Parliament.

5. Finally they encourage in the last paragraph, an unwilling part not to abide by the new Constitution in case a seetion was not represented on the Assembly. This virtually reverts to the statement of Lord Linlithgow of August 8th, 1940 which was repeated in the Parliament by Mr. Amery on August 14th, 1940 where it was said that no Constitution could be enforced on 100 million Muslims, and nullifies Mr. Atlee's promise given on 15th March, 1946, that no minority would be allowed to interfere with the progress of the nation.

The return of the Congress and Sikh representatives from London synchronized with the publication of the Cabinet's Statement and it took some time for the Congress to decide its course of action. The invitation of the Cabinet to the Congress to accept the new Statement, it would be admitted, came with ill-grace when the Statement embodied not merely an interpretation of the provisions of May 16th, but an interpolation. If two parties entered into a contractual agreement in respect of any transaction and drew up a document in this behalf, then it would ill-behove either party to vary the terms wantonly and call upon the other to accept in order that the former might complete its part of the contract which in honour it was bound to do. For the British Cabinet then to thrust this interpolation into the agreement and threaten that it would not place the Constitution prepared by the Consambly before Parliament unless their latest interpolation also was accepted by the Congress, was an obvious breach of faith in morals as it was an undoubted breach of agreement in law. A deadlock was thus created, but the wisdom and forbearance of the Congress in proceeding according to plan with the work of the Constituent Assembly saved the situation from an unexpected catastrophe for the time being.

What could be the plan, the combined plan, of the British Cabinet and the Muslim League about this conjoint and co-operative reactionary move ? There could be no doubt on the matter that whatever the League stood to gain either way. Here was a new document promulgated by the Cabinet on the 6th of December which the Cabinet invited the Congress to accept. The Congress was asked to accept the interpretation given in respect of groups. If the Congress accepted it, it would willingly accept Pakistan. If not, it would be forcibly taken. Let us see how. If Congress did not accept, but proceeded to form the Constitution of the Centre, the Congress would put itself inside the pale of the Statement of May 16th and outside the pale of the Cabinet's statement of 6th December. In this latter document the Cabinet stated that His Majesty's Government would not be bound to place the Constitution prepared by the Consambly before Parliament. When such a contingency arises His Majesty's Government would feel itself entitled to revise their statement of May 16th and pursue to their logical sequence the provisions of the statement of December 6th. What would be the consequence ? For this purpose we might anticipate on a speculative basis the procedure of the League. League members might enrol themselves as 'members' at a certain stage and then divide up into sections. It might be asked how they could so divide up. What was said in the Statement of May 16th was that after the preliminary meeting of the Conssmbly, the "provincial representatives would divide up into three sections, so that it was not the President of the Consambly that should convene the sittings of the sections. As it was stated by Cripps in Parliament—indeed as a matter of fact—sections B and C were so carved out that they had a Muslim majority and these members could meet of their own accord and proceed with seetions, even as the Consambly had commenced its sittings and carried on its proceed-

ings, without the League representatives. Sections B and C would go on with their proceedings and appeal to His Majesty's Government in view of the Congress not having accepted the statement of 6th December. This new statement, it was being fondly hoped would authorize the formation of a second Consambly for sections B and C and that would be Pakistan against the protest of the Congress.

Whatever might have been the speculation about the probable plans of the other two parties in this tripartite tangle, the duty of the Congress itself was clear. The question was whether a reference to the Federal Court in terms of the Cabinet Statement of 6th December should or should not be made. The first reaction might have been of a negative character. But the Working Committee of the Congress soon recorded a decision in the affirmative. Mr. Jinnah's refusal at the Press Conference in London about this time, to abide by the verdict of the Federal Court on what he regarded as an essential, nay a fundamental, part of the Cabinet Mission's Statement of May 16th, did not at first divert the Working Committee from this decision. It was understood that the procedure should take the form of a statement by the Congress President, a resolution by the Consambly and an application by the President of the Consambly before the Federal Court. But hardly had this decision been taken when it was reported that Lord Pethick-Lawrence stated in the Lords on the issue, as follows, on December 17th, 1946.

"I should like to make it quite plain that the British Government do not consider that this issue is one which it is desirable to refer to the Federal Court. The Statement of December 6th makes this clear and also the interpretation which the British Government themslves hold. The view of the Government is that this interpretation should be acccpted by all parties. They only mention the matter of the Federal Court because the Constituent Assembly is to refer the issue to the Federal Court. That was the view expressed by the Congress. It should be done without delay. I wish to make it quite clear that His Majesty's Government stand by their interpretation of the statement of May 16 as set out in that statement and that they will by no means depart from it even if the Federal Court should be appealed to. I hope agreement may yet be reached in a way which will allay fears of both parties."

At the same time both Lord Pethick-Lawrence and Sir Stafford Cripps reassured all concerned that the fears that a major province, if a group be formed, would so frame the Constitution of a minor province included in the group, as to nullify the provisions for its opting out of the group were baseless as such a procedure would be against the basic understanding of the scheme. The Congress was impaled on the horns of a dilemma. The Consambly at its party meeting decided to leave the matter to the Working Committee and the latter spent days and nights in discussing the pros and cons of the situation. Not to accept the document of 6th December was to ensure a separate Consambly for the groups that were destined to be formed with or without Assam and North Western Frontier Province if they could possibly opt out. Nothing could be dearer to the League. If the Statement of December 6th was to be rejected or ignored that was tantamount to a break of diplomatic relations with Britain so that the Secretary of State could say to the Viceroy : My Lord, this means war : The Congress was not afraid to enter upon hostilities but there is time and circumstance for everything in the world and even for an outbreak of hostilities between Indian Independence and British Imperialism. To accept the document of December 6 was to give the highest moral victory to the League, possibly to encourage more grabbings from Mr. Jinnah as was his wont to make them on the top of every

concession, to risk a demand for separate armies for the groups B and C and a subvention to boot from the centre for their maintenance. The two alternatives had to be balanced (22-12-1946). Under the circumstances no positive course was possible for the Working Committee for more than one reason. Hardly had one month elapsed since at Meerut a plenary session of the Congress had endorsed all that had taken place as between the Working Committee and His Majesty's Government when this new situation presented itself with all its known consequences and unknown complications. The All-India Congress Committee alone was competent to pronounce upon decisions already taken at a plenary session of the Congress. Accordingly the Working Committee to whose care the Consambly at the party meeting had cnmmitted the question, deemed it fit to refer back the issue for settlement at a meeting of the A. I. C. C. which was convened on the 5th January, 1947 and contented itself with a cogent narration of events during the previous six months in the form of a reasoned and impartial statement (22-12-1946) which is published hereinbelow:—

"The Working Committee have given careful consideration to the Statement issued by the British Government on December 6, 1946, as well as other statements made recently on their behalf in Parliament." The statement reads: "These statements, though made by way of interpretation and elucidation, are clearly additions to and variations of the British Cabinet Mission's Statement of May 16, 1946, on which the whole scheme of the Constituent Assembly was based.

"The Statement of May 16, 1946, laid down in paragraph 15 as basic prineiples of the constitution 'that there should be a Union of India embracing both British India and the States', that 'all subjects other than Union subjects and all residuary powers should vest in the provinces' and that 'provinees should be free to form Groups.' The provinces were thus intended to be autonomous, subject to the Union controlling eertain specified subjects. Paragraph 19 laid down, *inter alia*, the procedure for Seetions to meet, for decisions to be taken as to whether Groups should be formed or not, and for any province to elect to come out of the Group in which it might have been placed.

"In their resolutioh of May 24, 1946, the Working Committee pointed out what appeared to be a divergence between the basic principles and the procedure suggested, in that a measure of compulsion was introduced which infringed the basic principles of provincial autonomy. The Cabinet Mission, therefore, issued a statement on May 25, 1946, in which it was stated that 'the interpretation put by the Congress resolution on paragraph 15 of the Statement, to the effect that the provinces can, in the first instance, make the choice whether or not to belong to the Seetion in which they are placed does not aceord with the Delegation's intentions. The reasons for Grouping of the provinees are well known, and this is an essential feature of the scheme and can only be modified by agreement between the two parties. The point at issue was not merely one of procedure but the fundamental principle of provineial autonomy and whether or not a province or part should be coerced against its will

"The Congress made it elear later that their objection was not to provinces entering Sections but to compulsory Grouping and the possibility of a dominating province framing a constitution for another province entirely against the wishes of the latter. This might result in the framing of rules, and the regulation of franchise, electorates, constituencies for elections and the composition of the legislature which might seriously prejudice or even nullify the provision for a province subsequently to opt out of a Group.

It was pointed out that this could never be the intention of the Cabinet Mission as it would be repugnant to the basic principles and policy of the scheme they had propounded.

"The Congress approach to the problem of constitution making has all along been that coercion should not be exercised against any province or part of the country and that the constitution of free India should be drawn up by the co-operation and goodwill of all parties and provinces concerned.

"In a letter dated the 15th June, 1946, from Lord Wavell to Maulana Azad, the President of the Congress, it was stated that 'the Delegation and I are aware of your objections to the principle of Grouping. I would, however, point out that the statement of May 16 does not make Grouping compulsory. It leaves the decision to the elected representatives of the provinces concerned, sitting together in Sections. The only provision which is made is that the representative of certain provinces should meet in Sections so that they can decide whether or not they wish to form Groups.'

"Thus, the principle which was emphasized again was that Grouping was not compulsory and in regard to Sections a certain procedure was indicated. This procedure was not clear and could be interpreted in more than one way and in any event a point of procedure could not override a basic principle. We pointed out that the right interpretation should be one which did no violence to that principle.

"Further, in order to smooth the way to the co-operation of all concerned in the working of the proposed scheme, we not only made it clear that we were prepared to go into the Sections, but also we suggested that if our interpretation was not accepted we would be agreeable to a reference on this point to the Federal Court.

"It is well known that the proposal in regard to Grouping affected injuriously two provinces especially, namely, Assam and the North-west Frontier Province, as well as the Sikhs in the Punjab. Their representatives expressed their strong disapproval of this proposal. In a letter to the Secretary of State dated May 25, 1946, Master Tara Singh gave expression to the anxiety and apprehensions of the Sikhs and asked for clarification in regard to certain matters. The Secretary of State sent an answer to this letter on June 1, 1946, in the course of which he said : 'I have considered carefully the detailed points you raise at the end of your letter. I fear the Mission cannot issue any additions to, or interpretation of the statement' :

"In spite of this explicit statement the British Government have on December 6, issued a statement which is both an addition to, and an interpretation of, the Statement of May 16, 1946. They have done so after more than six and a half months, during which period many developments have taken place as a consequence of the original statement.

Throughout this period the position of the Congress was made repeatedly clear to the British Government or their representatives, and it was with full knowledge of this position that the British Government took subsequent steps in furtherance of the Cabinet Mission's proposals. That position was in conformity with the basic principles laid down in the Statement of May 16, 1946, which statement the Congress had accepted in its entirety.

"Further, the Congress had expressed its willingness to refer, if necessity arose, the point of interpretation to the Federal Court, whose decision should be accepted by the parties concerned. In the course of his letter dated June 28, 1946, addressed to Mr. Jinnah, the Viceroy stated that the Congress had accepted the Statement of May 16. In the course of a broadcast on August 24, 1946, the Viceroy, in appealing to the Muslim League to co-operate,

pointed out that the Congress is ready to agree that any dispute of interpretation may be referred to the Federal Court.

"The Muslim League reversed its former decision and rejected the British Cabinet Mission's scheme by formal resolution and even decided to resort to 'direct action.' Their spokesmen have since repeatedly challenged the very basis of that scheme, that is, the constitution of a Union of India and have reverted to their demand for a partition of India. Even after the British Government's statement of December 6, 1946, the leaders of the Muslim League have reiterated this demand for partition and the establishment of two separate independent governments in India.

"When the invitation of the British Government was received by the Congress at the end of November last to send its representatives to London the Congress position was clearly indicated again. It was on an assurance of the Prime Minister of Great Britain that a representative of the Congress proceeded to London.

"In spite of this assurance and of previous assurances to the effect that no additions to, or interpretations of the Statement of May 16, 1946, were going to be made, the British Government have now issued a statement which clearly, in several respects, goes beyond the original statement, on the basis of which progress has been made till now.

"The Working Committee deeply regret that the British Government should have acted in a manner which has not been in keeping with their own assurances, and which has created suspicion in the minds of large numbers of people in India. For some time past the attitude of the British Government and their representatives in India has been such as to add to the difficulties and complexities of the situation in the country. Their present intervention long after the members of the Constituent Assembly had been elected has created a new situation which is full of peril for the future. Because of this, the Working Committee have given anxious and prolonged thought to it.

"The Congress seeks to frame, through the Constituent Assembly a constitution of a free and independent India with the willing co-operation of all elements of the Indian people. The Working Committee regret that Muslim League members of the Constituent Assembly have refrained from attending its opening session. The Committee, however, appreciate and express their gratification at the presence in the Constituent Assembly of representatives of all other interests and sections of the people of India, and note with pleasure the spirit of co-operation in a common task and a high endeavour which has been in evidence during the sessions of the Assembly.

"The Committee will continue their efforts to make the Constituent Assembly fully representative of all the people of India and trust that members of the Muslim League will give their co-operation in this great task. In order to achieve this the Committee have advised Congress representatives in the Assembly to postpone consideration of important issues to a subsequent meeting.

In their statement of December 6, 1946, the British Government in giving their interpretation of a doubtful point of procedure have referred to it as a 'fundamental point' and suggested that the Constituent Assembly may refer it to the Federal Court at a very early date. Subsequent statements made on behalf of the British Government have made it clear that they are not prepared to accept the decision of this court should it go against their own interpretation. On behalf of the Muslim League also it has been stated that they will not be bound by the decision of the Federal Court

and a demand for partition of India, which is a negation of the Cabinet Mission's scheme continues to be put forward.

While the Congress has always been willing to agree to a reference to the Federal Court, any reference now when none of the other parties are prepared to join in it or to accept it and one of them does not even accept the basis of the scheme, becomes totally uncalled for and unbecoming, and unsuited to the dignity of either the Congress or the Federal Court. By their repeated statements British statesmen have ruled this out.

The Working Committee are still of opinion that the interpretation put by the British Government in regard to the method of voting in the Sections is not in conformity with provincial autonomy, which is one of the fundamental bases of the scheme proposed in the statement of May 16. The Committee are anxious to avoid anything that may come in the way of the successful working of the Constituent Assembly and are prepared to do everything in their power to seek and obtain the largest measure of co-operation, provided that no fundamental principle is violated.

In view of the importance and urgency of the issues facing the country and the far-reaching consequences which must follow any decisions, the Working Committee are convening an emergent meeting of the A. I. C. C. in Delhi early in January to consider the latest developments and to give such directions as it may deem fit."

We may profitably summarize the situation as it presented itself on the eve of the All-India Congress Committee meeting on 5-1-1947. Mr. Jinnah's, or the League's, or the Muslims' triumphs were fast mounting up not as the result of any active movement they had ever initiated in life, but of the attitude of negation, and at the outside, of passive resistance on all occasions. It was thus that the following achievements lay or threaten to be to the credit side of the League against the debit side of the Congress.

| *Debit.* | *Credit.* |
|---|---|
| 1905— | 1906— |
| Partition of Bengal 16-10-1905. The new spirit of *Swadeshi*, *Swaraj* Boycott and National Education. Profound Congress suffering. | H. H. The Aga Khan's deputation to Lord Minto and separate Electorates for Muslims. |
| 1916— | 1916— |
| War. Home Rule movement. Mrs. Besant's leadership. Intense Congress suffering. | Weightage in minority Muslim Provinces. |
| 1931— | 1931— |
| Salt *Satyagraha*. 60,000 prisoners: (civil disobedience). Resignations of thousands. Lathi charges and shooting. | Residual powers to Provinces (Second Round Table Conference). |
| 1945— | 1945— |
| The great movement of 'Quit India' (1942 to 1945). Imprisonments and shooting from land and air. | Hindu-Muslim Parity in Interim Government at First Simla Conference. |
| 1946— | 1946— |
| Continued negotiations. Cabinet Mission. 6th December Statement of the British Cabinet. | May 2nd. Simla Conference. December Grouping. |

| *Debit.* | *Credit.* |
|---|---|
| 1947— | 1947 |
| (*a*) If you don't accept Statement of December 6. | (*a*) two separate Consamblies. |
| (*b*) If you accept. | (*b*) Group armies in store. |
| 1948— | 1948— |
| | Subvention from Centre for (*b*) above. |

The New Year 1947 opened with great events for the Congress and the country. On the 5th January, the All-India Congress Committee held its first sitting in order to consider the momentous issue, namely whether the statement of 6th December by the British Cabinet should or should not be accepted. The different phases relating to this question have already been dealt with. They may be briefly reviewed nevertheless as they emerged from the discussions at the sitting of the A.-I. C. C. in New Delhi. Strangely enough, the sitting took place in the hall of the Constitution Club which was attached to the Constitution House, the place where most of the members of the Constituent Assembly were assigned residential quarters. The friends from Assam figured prominently in the discussions. They were anxious to see the pledges made solemnly by the 'Congress High Command' that Assam would not be forced into the 'C' Section, honoured in the spirit in which they were made. They were upset obviously by the fact that having stated in the Statement of May 25th last that the Working Committee did not agree to the Provinces dividing up into Sections, the Leader and President of the Congress in his capacity as Vice-President of the Interim Government gave a broadcast in September 1946 as already referred to, in which he straightway agreed to the Provinces going into Sections. This they considered was a breach of understanding. Again they remembered how the Vice-President, may be, *much* against his own wishes, but *wholly* against the wishes of his wiser colleagues went to England and entangled himself and the country in a development from which it was not easy for him or the country to escape. Both these facts shook the faith of the Assam friends *in their firmness of the* assurances and promises offered to them by the "Congress High Command." Again Assam friends believed that the last paragraph of the December 6th Statement might not save them for it was primarily meant for the Muslims and even if by some stretch of imagination and reasoning it was made applicable to every or any other section or to any other situation which might develop later, the fact remained that it was doubtful whether the *presence* of the Assamese in the 'C' Section in the earlier stages would not tantamount to the representation of the Province in the Section. The words in the statement are as follows:—

> "Should the Constitution come to be framed by a Constituent Assembly in which a large section of the Indian population has not been represented His Majesty's Government could not of course contemplate forcing such a constitution upon any unwilling parts of the country."

The word used is "represented." The Assam friends honestly thought that when they were only *present*, it would be interpreted that Assam was *represented* and therefore the saving clause in the sentence quoted above might not be made applicable to Assam. That was how they felt.

Even apart from this, the question at issue was whether the December 6th statement was to be accepted. It has been already explained how the statement contained one *interpretation* and three *additions*. Let us review

the position as it appeared on the 5th and 6th January 1947. If the statement was rejected then it would mean that the Congress put itself out of the pale of the statement of May 16th as interpreted by the statement of December 6th and therefore, could not afford a chance for the Muslim League to join the Consambly. The Muslim League having in consequence formulated the Constitutions of 4, 5 or 6 Provinces in Groups 'B' and 'C' would, naturally, be hard to put to it to formulate a centre for them and would therefore ask for a new writ from Britain which must necessarily be issued by the British Government in view of the fact that both of them are fellow labourers in the vine-yard of this tabulation. The old writ in favour of a common centre could not run, the excuse being because the Congress has not accepted the statement of December 6 therefore the data and the premises on which the earlier statement had been built fell to the ground. Accordingly the new writ is necessary to meet the situation created by the new attitude of the Congress. The British would thus have a good opportunity of wriggling themselves out of the commitment to which they stood pledged with their own words and by the Statement of May 16th where they said that Pakistan was not a practicable solution any common centre was inevitable and now they would plump for two centres which means Pakistan and Hindustan, thus endorsing the two-nation theory and all the evils that were sought to be avoided when one common centre was contemplated. So the best way of ensuring Pakistan to League would have been to reject the Statement of December 6th.

If, however, the Statement was to be accepted these were equally great dangers which had already been described. The prestige of Mr. Jinnah would rise to the highest height from the bottommost depth and he would dictate more terms as already referred to, namely, group armies in India so that the army of the Centre would easily be crushed between an invading army from outside and the group army inside. They would ask too for 50 per cent in service in the army and in the legislature. These are not fantastic insinuations. One does not know whether India might not be falling into the hands of Russia or an Arab Federation and no one can predict what will happen. Having regard to all these conditions the A. I. C. C. by an overwhelming majority accepted the suggestion of the Working Committee and for the time being the matter ended.

Attention must be drawn to one circumstance under whch in paragraph 4 of the resolution of the A. I. C. C. which is quoted below it is clearly stated that "in the event of any attempt at such compulsion a province or a part of a province has the right to take such action as may be deemed necessary in order to give effect to the wishes of the people concerned." This sentence was meant to cover any development in between the time of the sitting of the A. I. C. C. and the time when Mr. Jinnah might, if at all, join the Constituent Assembly. If he came in straightway as a friend accepting the hand of co-operation that was stretched by this resolution, there was no necessity for Assam to fear nor any reason to suspect. But in the meantime if he started to bargain and ask for elucidation, elaboration and clarification which always mean fresh complications, then Assam would be on the alert and decide whether she should at all join or not. Thus there was ample time for Assam carefully to consider its position and it was only with a view to covering all the eventualities and developments of an immediate timing that this sentence was inserted and it was not as if Assam was going to be sacrificed by being forced into a group which it was unwilling to join. There was ample time for Assam to decide for itself what it should do. In this view

it was clear that the A. I. C. C. did not want to purchase peace at the cost of Assam. Here follows the A. I. C. C. resolution:—

The A. I. C. C. having considered the events that have taken place in the country since the Meerut Session of the Congress in November last, the statement issued by the British Government on December 6, 1946, and the statement of the Working Committee of December 22, 1946, advises Congressmen as follows :—

"1. The A. I. C. C. endorses the statement of the Working Committee of December 22, 1946, and expresses its agreement with the views contained therein.

"2. While the Congress has always been agreeable to making a reference to the Federal Court on the question of interpretation in dispute, such a reference has become purposeless and undesirable owing to recent announcements made on behalf of the British Government. A reference could only be made on an agreed basis, the parties concerned agreeing to abide by the decision given.

3. The A.I.C.C. is firmly of opinion that the constitution for a free and independent India should be framed by the people of India on the basis of as wide an agreement as possible. There must be no interference whatsoever by any external authority and no compulsion of any province or part of a province by another province. The A. I. C. C. realises and appreciates the difficulties placed in the way of some provinces, notably Assam, Baluchistan and the N. W. F. P. and the Sikhs in the Punjab, by the British Cabinet's scheme of May 16, 1946, and more especially by the interpretation put upon it by the British Government in their statement of December 6, 1946. The Congress cannot be a party to any such compulsion or imposition against the will of the people concerned, a principle which the British Government have themselves recognised.

4. The A. I. C. C. is anxious that the Constituent Assembly should proceed with the work of framing a constitution for free India with the goodwill of all parties concerned and, with a view to removing the difficulties that have arisen owing to varying interpretations, agree to advise action in accordance with the interpretation of the British Government in regard to the procedure to be followed in the sections. It must be clearly understood, however, that this must not involve any compulsion of a province and that the rights of the Sikhs in the Punjab should not be jeopardised. In the event of any attempt at such compulsion, a province or part of a province has the right to take such action as may be deemed necessary in order to give effect to the wishes of the people concerned. The future course of action will depend upon the developments that take place and the A. I. C. C. therefore directs the Working Committee to advise upon it, whenever circumstances so require, keeping in view the basic principle of provincial autonomy."

While it was expected by the country that the League might take early steps to consider this resolution which was passed on the 6th of January, the League Working Committee was timed to meet on the 29th January that is, full nine days after the renewed sitting of the plenary session of the Consambly was scheduled to meet. It did not look as though the League was intent upon joining the plenary session.

The worst apprehensions of the public came true once again. More than once did the author feel a pang (as contemporary history was being recorded almost from week to week) whether he was not unjust or unfair to the League

in forecasting the future. But "wisdom," they say, "stands justified of its children" and the old adage has proved true. The League met on the 29th of January and resolved not to participate in the deliberations of the Constituent Assembly.

The League Committee characterised the All-India Congress Committee's resolution of January 6th as no more than a dishonest trick, a piece of verbal jugglery intended to deceive the British Government, the Muslim League and public opinion. The charge was that the decisions on principles and procedure went beyond the scope permitted by the Statement of May 16, 1946 and that accordingly the Congress had already converted the "truncate Assembly into a rump and something totally different from what the Cabinet Mission had provided for." The Committee called upon H. M. G. to declare "that the Constitutional plan formulated by the Cabinet Mission had failed." It was suddenly discovered rather late in the day that "the elections to and the summoning of the Assembly are *ab initio* invalid, void and illegal and its continuation and its proceedings and decisions are *ultra vires*, invalid and illegal, and it should forthwith be dissolved."

The London *Times* felt it necessary to characterise the decision reached by the Working Committee of the Muslim League at Karachi as "preposterous" and observed that the League Working Committee had "lamentably failed to grasp this opportunity." It asserted that the Plan has not failed and commented on the "tactics" of the League as 'dilatory' and added that "the Constituent Assembly was neither a party caucus nor exclusively Hindu, as non-Muslim minorities were well-represented."

The tactics adopted by the League were tiring to be sure and could not be brooked long. No time was apparently lost in challenging the position of the League's representatives in the Interim Government at the centre and the nature of correspondence that must have passed between each of the two political parties with the Viceroy, and between the Viceroy and the British Cabinet remained a close secret. But its nature may well be inferred. In less than three weeks after the Karachi resolution, there were reports in the press that Lord Wavell would be recalled and a report to this effect dated 18th February, 1947 was closely followed by the publication of the dramatic announcement by the British Premier, that the British were leaving India next year (June 1948).

Here is the full text of the Premier's announcement dated 20th February, 1947.

It has long been the policy of successive British Governments to work towards the realisation of self-government in India. In pursuance of this policy, an increasing measure of responsibility has been devolved on Indians, and today the civil administration and the Indian armed forces rely to a very large extent on Indian civilians and officers. In the constitutional field, the Acts of 1919 and 1935 passed by the British Parliament each represented a substantial transfer of political power. In 1940, the Coalition Government recognised the principle that Indians should themselves frame a new constitution for a fully autonomous India, and in the offer of 1942 they invited them to set up a Constituent Assembly for this purpose as soon as the war was over.

The British Government believe this policy to have been right and the Cabinet Mission sent to India last year spent over three months in

consultation with Indian leaders in order to help them to agree upon a method for determining the future constitution of India, so that the transfer of power might be smoothly and rapidly effected. It was only when it seemed clear that without some initiative from the Cabinet Mission agreement was unlikely to be reached that they put forward proposals themselves.

These proposals, made public in May last, envisaged that the future constitution of India should be settled by a Constituent Assembly composed, in the manner suggested therein, of representatives of all communities and interests in British India and of the Indian States.

Since the return of the Mission, an Interim Government has been set up at the Centre, composed of the political leaders of the major communities, exercising wide powers within the existing constitution. In all the provinces Indian Governments responsible to legislatures are in office.

It is with great regret that His Majesty's Government find that there are still differences among Indian parties which are preventing the Constituent Assembly from functioning as it was intended that it should. It is of the essence of the plan that the Assembly should be fully representative.

His Majesty's Government desire to hand over the responsibility to authorities established by a constitution approved by all parties in India in accordance with the Cabinet Mission's plan, but unfortunately there is at present no clear prospect that such a constitution and such authorities will emerge. The present state of uncertainty is fraught with danger and cannot be indefinitely prolonged. His Majesty's Government wish to make it clear that it is their definite intention to take necessary steps to effect the transference of power to responsible Indian hands by a date not later than June, 1948.

This great sub-continent now containing over four hundred million people has for the last century enjoyed peace and security as a part of the British Commonwealth and Empire. Continued peace and security are more than ever necessary today if the full possibilities of economic development are to be realised and a higher standard of life attained by the Indian people.

His Majesty's Government are anxious to hand over their responsibilities to a Government which, resting on the sure foundation of the support of the people, is capable of maintaining peace and administering India with justice and efficiency.

It is therefore essential that all parties should sink their differences in order that they may be ready to shoulder the great responsibilities which will come upon them next year.

After months of hard work by the Cabinet Mission a great measure of agreement was obtained as to the method by which a Constitution should be worked out. This was embodied in their statements of May last. His Majesty's Government there agreed to recommend to Parliament a constitution worked out in accordance with the proposals made therein by a fully representative Constituent Assembly.

But if it should appear that such a constitution will not have been worked out by a fully representative Assembly before the time mentioned in paragraph seven, His Majesty's Government will have to consider to whom the powers of the Central Government in British India should be handed over, on the due date, whether as a whole to some form of Central Government for British India, or in some areas to the existing Provincial Governments, or in such other way as may seem most reasonable and in the best interests of the Indian people.

Although the final transfer of authority may not take place until June, 1948, preparatory measures must be put in hand in advance. It is important that the efficiency of the civil administration should be maintained and that the defence of India should be fully provided for. But inevitably, as the process of transfer proceeds, it will become progressively more difficult to carry out to the letter all the provisions of the Government of India Act, 1935. Legislation will be introduced in due course to give effect to the final transfer of power.

In regard to the Indian States, as was explicitly stated by the Cabinet Mission, His Majesty's Government do not intend to hand over their powers and obligations under Paramountcy to any Government of British India. It is not intended to bring Paramountcy, as a system, to a conclusion earlier than the date of the final transfer of power, but it is contemplated that for the intervening period the relations of the Crown with individual States may be adjusted by agreement.

The British Government will negotiate agreements in regard to matters arising out of the transfer of power with representatives of those to whom they propose to transfer power.

The British Government believe that British commercial and industrial interests in India can look forward to a fair field for their enterprise under the new conditions. The commercial connection between India and the United Kingdom has been long and friendly and will continue to be to their mutual advantage.

The British Government cannot conclude this statement without expressing on behalf of the people of this country their goodwill and good wishes towards the people of India as they go forward to this final stage in their achievement of self-government. It will be the wish of everyone in these islands that, notwithstanding constitutional changes, the association of the British and Indian peoples should not be brought to an end ; and they will wish to continue to do all that is in their power to further the well-being of India.

The House will wish to know of an announcement which is being made public today. Field Marshal the Rt. Hon. Viscount Wavell was appointed Viceroy in 1943 ; after having held high military command in the Middle East, South-East Asia and India with notable distinction since the beginning of the war. It was agreed that this should be a war-time appointment. Lord Wavell has discharged this high office during this very difficult period with devotion and a high sense of duty. It has, however, seemed that the opening of a new and final phase in India is an appropriate time to terminate this war appointment.

His Majesty has been pleased to approve, as successor to Lord Wavell, the appointment of Admiral the Viscount Mountbatten, who will be entrusted with the task of transferring to Indian hands responsibility for the Government of British India in a manner that will best ensure the future happiness and prosperity of India. The change of office will take place during March. The House will be glad to hear that His Majesty has been pleased to approve the conferrment of an earldom on Viscount Wavell.

As usual the Statement is full of obscurity, though not of ambiguity or equivocation. That different interpretations were possible is not to be doubted, but in this case different alternatives were embodied in the Statement itself in such a manner that it was open to different people to guess at the different ways of transfer of power and the different bodies to whom to transfer it. The Congress could fondly hope that as the premier political body and as one closely linked up to the minorities in India including Muslims (from whom the League would of course be excluded), it should receive high priority, while the League was logically banking upon the emphasis on the words 'fully representative,' which ensured that so long as it did not join the Constituent Assembly, the latter would not become *fully representative* and that therefore its own integrity and claims should be recognised.

The States in their turn waxed warm over the assurance given to them that paramountcy as a system would not be ended until the final transfer of power took place and that separate agreements could be made with the ruling power in the meantime to determine the relations of the States with the Ruling Powers. Altogether, beyond stating that Britain would evacuate India, Britain did not facilitate unity of all parties, as prizes were dangled before each of the parties,—the Congress, the League and the States.

The first impression made upon the Congress was that the statement was a wise and courageous one, notwithstanding the obscurity that abounded in parts of it. Whatever that be, the fact remained that the Constituent Assembly should work away at an accelerated speed. Preparatory measures moreover for the transfer of power, were to be begun straightaway and put in hand at once and all this appeared fascinating to a degree.

What was really amazing was the dismissal of the Viceroy. The way news spread before and after the announcement of the name of Lord Mountbatten, the King's cousin, as the new Viceroy did not leave much doubt regarding the view that Lord Wavell was relieved of his charge and that he did not tender his resignation by choice. Mr. Churchill's vehement denunciations in the Commons did not admit of any alternative view. The choice given to Lord Wavell to make his own pronouncement after he gave over charge confirmed this view. Thus was it that Lord Wavell came and saw, spoke and acted, doctored, and retired. Thus was it that Viceroys came and went, but India remained—firm as a rock, ushaken by the storms that swept the country, untouched by the corroding civilizations that appeared and disappeared, untainted by the corrupting forces that rose and fell, but all the while, stretching forth her generous arms in spacious embrace of race after race, in deep absorption of culture after culture and in rapid assimilation of religion after religion. Thus was it too that, through the endless ages of her dim and distant, pre-historic past, she has created hoary traditions of undying vigour and undiminishing value, and handed them down to the recurring generations of an ever receding present as their priceless heritage, so helping to build up her inscrutable future radiant with faith and enlivened

by hope—a future that will doubtless be hoary with Age and sanctified by Time. Thus was it again that her lamp of Truth and *Ahimsa* has penetrated the remotest corners of the World and proved from age to age that *Spirit* is higher than *Matter*, that *Service* is nobler than *Power*, that *Love* is mightier than *Hate*. Thus was it anon that India, conquered, enslaved and depressed, has once again raised her head before the comity of nations as a Sovereign Independent Republic, holding aloft the torch of freedom to the gaze of the two hemispheres, focussing its rays once again on that *not far off*, Divine Event, "The Parliament of man and the Federation of the World" under the inspiration and guidance of the greatest man of the World,—Saint, Philosopher and Statesman all in one, who has established the unity of the World by a new synthesis and worked out the unity of man through the Beatitudes of Life.

THE END

# APPENDIX I

## THE CONGRESS MANIFESTO

The Congress Working Committee had published a manifesto for the Central Elections and soon after (that is, on 11-12-45) followed it up by a composite manifesto covering the Central and the Provincial Elections. The latter is published below:—

"The All India Congress Committee at its meeting held in Bombay in September last resolved that a manifesto containing the policy and programme of the Congress for the information of the public and the guidance of the Congress candidates in the forthcoming general elections be prepared by the Working Committee and placed before the A.I.C.C. for consideration and adoption. Further it authorised the Working Committee to issue an earlier manifesto for the Central Assembly elections. Accordingly this later election manifesto has already been issued to the public. The Working Committee regret that owing to the nearness of the general elections in the provinces it is not feasible now to hold a meeting of the A.I.C.C. in the near future to consider the fuller manifesto, as contemplated by the A.I.C.C. They have, therefore, themselves prepared this manifesto and issue it for the information of the public and guidance of Congress candidates."

The following is the full text of the Manifesto:

"For sixty years the National Congress has laboured for the freedom of India. During this long span of years its history has been the history of the Indian people, straining at the leash that has held them in bondage, ever trying to unloose themselves from it. From small beginnings it has progressively grown and spread in this vast country, carrying the message of freedom to the masses of our people in the towns as well as the remotest villages. From these masses it has gained power and strength and developed into a mighty organisation, the living and vibrant symbol of India's will to freedom and independence. From generation to generation it has dedicated itself to this sacred cause, and in its name and under its banner innumerable countrymen and countrywomen of ours have laid down their lives and undergone suffering in order to redeem the pledge they had taken. By service and sacrifice it has enshrined itself in the hearts of our people; by its refusal to submit to any dishonour to our nation it has built up a powerful movement of resistance to foreign rule.

### STRONGER THAN EVER

"The career of the Congress has been one of both constructive effort for the good of the people and of unceasing struggle to gain freedom. In this struggle it has faced numerous crises and come repeatedly into direct conflict with the armed might of a great empire. Following peaceful methods, it has not only survived these conflicts but has gained new strength from them. After the recent three years of an unprecedented mass upheaval and its cruel and ruthless suppression, the Congress has risen stronger than ever and become more loved by the people by whom it has stood through storm and stress.

### EQUAL RIGHTS FOR ALL

"The Congress has stood for equal rights and opportunities for every citizen of India, man or woman. It has stood for the unity of all communities and religious groups and for tolerance and goodwill between them. It has stood for full opportunities for the people as a whole to grow and develop according to their own wishes and genius; it has also stood for the freedom of each group and territorial area within the nation to develop its own life and culture within the larger framework, and it has stated that for this purpose such territorial areas or provinces should be con-

stituted, as far as possible, on a linguistic and cultural basis. It has stood for the rights of all those who suffer from social tyranny and injustice and for the removal of them of all barriers to equality.

"The Congress has envisaged a free democratic state with the fundamental rights and liberties of all its citizens guaranteed in the constitution. This constitution, in its view, should be a federal one with autonomy for its constituent units, and its legislative organs elected under universal adult franchise. The federation of India must be a willing union of its various parts. In order to give the maximum of freedom to the constituent units there may be a minimum list of common and essential federal subjects which will apply to all units, and a further optional list of common subjects which may be accepted by such units as desire to do so.

**CONSTITUTIONAL RIGHTS**

"The constitution shall provide for fundamental rights, among them the following:

(1) Every citizen of India has the right of free expression of opinion, the right of free association and combination, and the right to assemble peacefully and without arms, for a purpose not opposed to law or morality.

(2) Every citizen shall enjoy freedom of conscience and the right freely to profess and practise his religion, subject to public order and morality.

(3) The culture, language and script of the minorities and of the different linguistic areas shall be protected.

(4) All citizens are equal before the law, irrespective of religion, caste, creed or sex.

(5) No disability attaches to any citizen by reason of his or her religion, caste, creed or sex, in regard to public employment, office of power or honour, and in the exercise of any trade or calling.

(6) All citizens have equal rights in regard to wells, tanks, roads, schools and places of public resort, maintained out of state or local funds, or dedicated by private persons for the use of the general public.

(7) Every citizen has the right to keep and bear arms, in accordance with regulations and reservations made in that behalf.

(8) No persons shall be deprived of his liberty, nor shall his dwelling or property be entered, sequestered, or confiscated, save in accordance with law.

(9) The state shall observe neutrality in regard to all religions.

(10) The franchise shall be on the basis of universal adult suffrage.

(11) The state shall provide for free and compulsory basic education.

(12) Every citizen is free to move throughout India and to stay and settle in any part thereof, to follow any trade or calling, and to be treated equally with regard to legal prosecution or protection in all parts of India.

"The State shall further provide all necessary safeguards for the protection and the development of the backward or suppressed elements in the population, so that they might make rapid progress and take a full and equal part in national life. In particular, the state will help in the development of the people of the tribal areas in a manner most suited to their genius, and in the education and social and economic progress of the scheduled classes.

**NUMEROUS PROBLEMS**

"A hundred and fifty years and more of foreign rule have arrested the growth of the country and produced numerous vital problems that demand immediate solution. Intensive exploitation of the country and the people

during this period has reduced the masses to the depths of misery and starvation. The country has not only been politically kept under subjection and humiliated, but has also suffered economic, social, cultural and spiritual degradation. During the years of war this process of exploitation by irresponsible authority in utter disregard of Indian interests and views, and an incompetence in administration reached a new height leading to terrible famine and widespread misery. There is no way to solving any of these urgent problems except through freedom and independence. The content of political freedom must be both economic and social.

**REMOVING POVERTY**

"The most vital and urgent of India's priblems is how to remove the curse of poverty and raise the standard of the masses. It is to the well-being and progress of these masses that the Congress has directed its special attention and its constructive activities. It is by their well-being and advancement that it has judged every proposal and every change, and it has declared that anything that comes in the way of the good of the masses of our country must be removed. Industry and agriculture, the social services and public utilities must be encouraged, modernised and rapidly extended in order to add to the wealth of the country and give it the capacity for self-growth, without dependence on others. But all this must be done with the primary object of benefiting the masses of our people and raising their economic, cultural and spiritual level, removing unemployment, and adding to the dignity of the individual. For this purpose it will be necessary to plan and co-ordinate social advance in all its many fields, to prevent the concentration of wealth and power in the hands of individuals and groups, to prevent vested interests inimical to society from growing, and to have social control of the mineral resources, means of transport and the principal methods of production and distribution in land, industry and in other departments of national activity, so that free India may develop into a co-operative commonwealth. The state must therefore own or control key and basic industries and services, mineral resources, railways, waterways, shipping and other means of public transport. Currency and exchange, banking and insurance, must be regulated in the national interest.

**A RURAL PROBLEM**

"Though poverty is widespread in India, it is essentially a rural problem, caused chiefly by overpressure on land and lack of other wealth-producing occupations. India, under British rule, has been progressively ruralised, many of her avenues of work and employment closed, and a vast mass of the population thrown on the land, which has undergone continuous fragmentation, till a very large number of holdings have become uneconomic. It is essential, therefore, that the problem of the land should be dealt with in all its aspects. Agriculture has to be improved on scientific lines and industry has to be developed rapidly in its various forms—large-scale, medium and small so as not only to produce wealth but also to absorb people from the land. In particular, cottage industries have to be encouraged, both as whole-time and part-time occupations. It is essential that in planning and the development of industry, while maximum wealth production for the community should be aimed at, it should be borne in mind that this is not done at the cost of creating fresh unemployment. Planning must lead to maximum employment, indeed to the employment of every able-bodied person. Landless labourers should have opportunities of work offered to them and be absorbed in agriculture or industry.

**REFORM OF LAND SYSTEM**

"The reform of the land system, which is so urgently needed in India, involves the removal of intermediaries between the peasant and the state. The rights of such intermediaries should therefore be acquired on payment of equitable compensation. While individualist farming or peasant proprietorship should continue, progressive agriculture as well as the

creation of new social values and incentives require some system of co-operative farming suited to Indian conditions. Any such change can, however, be made only with the goodwill and agreement of the peasantry concerned. It is desirable, therefore, that experimental co-operative farms should be organised with State help in various parts of India. There should also be large State farms for demonstrative and experimental purposes.

**DEVELOPMENT OF LAND**

"In the development of land and industry there has to be a proper integration and balance between rural and urban economy. In the past, rural economy has suffered, and the town and city have prospered at the cost of village. This has to be righted and an attempt made to equalise, so far as possible, the standards of life of town dwellers and villagers. Industry should not be concentrated in particular provinces, so as to give a balanced economy to each province, and it should be decentralized, as far as this is possible without sacrifice of efficiency.

"Both the development of land and of industry, as well as the health and well-being of the people, require the harnessing and proper utilization of the vast energy that is represented by the great rivers of India, which is not only largely running to waste but is often the cause of great injury to the land and the people who live on it. River commissions should be constituted to undertake this task in order to promote irrigation and ensure an even and continuous supply of water, to prevent disastrous floods and soil erosion, to eradicate malaria, to develop hydro-electric power, and in other ways to help in raising the general standards of life, especially in the rural areas. The power resources of the country have to be developed rapidly in this and other ways in order to provide the necessary foundation for the growth of industry and agriculture.

**EDUCATION OF MASSES**

"Adequate arrangements should be made for the education of the masses with a view to raising them intellectually, economically, culturally and morally, and to fit them for the new forms of work and services which will open out before them. Public health services which are essential for the growth of the nation should be provided for on the widest scale, and in this, as in other matters, the needs of the rural areas should receive special attention. These should include special provisions for maternity and child welfare.

"Conditions should thus be created in which every individual has an equal opportunity for advance in every field of national activity and there is social security for all.

"Science, in its innumerable fields of activity, has played an ever-increasing part in influencing and moulding human life and will do so in even greater measure in the future. Industrial, agricultural and cultural advance, as well as national defence, depend upon it. Scientific search is therefore a basic and essential activity of the State and should be organized and encouraged on the widest scale.

**SAFEGUARD FOR LABOUR**

"In regard to labour, the state shall safeguard the interests of industrial workers and shall secure for them a minimum wage and a decent standard of living, proper housing, hours of work and conditions of labour in conformity, as far as economic conditions in the country permit, with international standards, suitable machinery for the settlement of disputes between employees and workmen, and protection against the economic consequences of old age, sickness and unemployment. Workers shall have the right to form unions to protect their interests.

"Rural indebtedness has in the past crushed the agricultural population, and though owing to various causes in recent years this has grown less, the burden still continues and must be removed, cheap credit must be made

available through co-operatives. Co-operatives should also be organised for other purposes both in rural and urban areas. In particular, industrial co-operatives should be encouraged as being especially suited for the development of small-scale industry on a democratic basis.

"While the immediate and urgent problems of India can only be effectively tackled by a joint and planned attack on all fronts—political, economic, agricultural, industrial and social—certain needs are of paramount importance today. Owing to the gross incompetence and mismanagement of the Government an incredible amount of suffering has been caused to the people of India. Millions have died of starvation, and scarcity of food and clothing is still widespread. Corruption in the services and in all matters pertaining to the supply and control of the vital necessaries of life is rampant and has become intolerable. These urgent problems require immediate attention.

**INTERNATIONAL AFFAIRS**

"In international affairs the Congress stands for the establishment of a world federation of free nations. Till such time as such a federation takes shape, India must develop friendly relations with all nations and particularly with her neighbours. In the Far East, in South-East Asia and in Western Asia, India has had trade and cultural relations for thousands of years and it is inevitable that with freedom she should renew and develop these relations. Reasons of security and future trends of trade also demand closer contacts with these regions. India, which has conducted her own struggle for freedom on a non-violent basis, will always throw her weight on the side of world peace and co-operation. She will also champion the freedom of all other subject nations and peoples for only on the basis of this freedom and the elimination of imperialism everywhere can world peace be established.

"On the 8th of August 1942, the All India Congress Committee passed a resolution, since then famous in India's story. By its demands and challenge the Congress stands today. It is on the basis of this resolution and with its battle-cry that the Congress faces the elections.

**ONLY THING THAT COUNTS**

"The Congress, therefore, appeals to the voters all over the country to support Congress candidates in every way at the forthcoming elections, and to stand by the Congress at this critical juncture, which is so pregnant with future possibilities. In these elections, petty issues do not count, nor do individuals, nor sectarian cries—only one thing counts: the freedom and independence of our motherland, from which all other freedoms will flow to our people. Many a time the people of India have taken the pledge of independence; that pledge has yet to be redeemed, and the well-beloved cause for which it stands and which has summoned us so often, still beckons to us. The time is coming when we shall redeem it in full. This election is a small test for us, a preparation for the greater things to come. Let all those who care and long for freedom and the independence of India meet this test with strength and confidence and march together to the free India of our dreams."

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# APPENDIX II

## LEGAL CASES ( 1942-1945 )

Ordinances are inevitable during a period of war emergency. They are required sometimes to enhance penalties and are, needed perhaps, at other times for the simplification of procedure. Appeals are sometimes ruled out. Capital punishment is more often permitted than in the usual course. Indemnification of officials against claims of damages on account of acts done in the discharge of their duties is often provided for although no Martial Law may have been proclaimed. There is one difference, however, between Sovereign States like Britain and subordinate States like India. In the former, it is the Legislature that enacts the Ordinances, but here it is the Executive Government. This fact was clearly brought out in a statement published sometime in 1942 under the signatures of Sir Tej Bahadur Sapru and Rt. Hon. Jayakar when they said:—"In the provinces, the Governors stand to this day stripped of all non-official advice in the discharge of their duties, grown more onerous since the war began, and at the Centre, there is practically no touch with non-official Indian public opinion. Even the Indian legislature has not been taken into confidence to the extent necessary under the present circumstances." In India, Ordinances were carried beyond the statutory period, contrary to the assurances given by the Secretary of State. Ordinances were promulgated by the Governor-General providing for death penalty against enemy agents and persons who committed certain offences with intent to aid the enemy, and contained an extraordinary clause in that the right of the accused to be defended by a Counsel was curtailed, so much so, that it was demanded that such a Counsel should be a person whose name is entered on a list prepared in this behalf by the Central Government or who is otherwise approved of by it. The position created by Ordinances and the D.I.R. was severely commented upon by Mr. Justice Bose of the Nagpur High Court while allowing a number of Habeas petitions from detenus. "It seems anomalous", said Mr. Justice Bose, "that while spies and traitors can be allowed, and are allowed, all reasonable facilities for placing their case fully before the Courts, particularly in the shape of interviews with Counsel, those against whom no charge is preferred are told on the one hand, as, in my opinion, the law tells them, that their right to apply in 'habeas corpus' has not been taken away and still subsists, and on the other hand that they will, nevertheless, be refused every facility which tends to make the right a living reality, if they try to exercise it.

Norman Benthwick in "My wanderings between the Two Worlds" says:

> "I was soon to learn that in drawing up ordinances and laws one must aim not only at that degree of precision that a person reading in good faith may understand but also at that degree of precision that a person reading in bad faith may not misunderstand."

It is in the tradition of European civilisation to press on and popularize repression by getting the dirty work done by special courts under an ordinance, at first, and then getting it accomplished by the common courts and the ordinary law. That was how the inquisition gave place to the Star Chamber and later to the ordinary courts in England. In Russia the OGPU (Gay Pay Oo) which began as Tcheka has later settled down as the ordinary Police Force.* This happens when the heretics or rebels are either liquidated or paralysed or in some cases appeased. In olden days the Inquisition judged the heretics by the standard of their faith in the Divinity of Christ, in the Doctrine of Transubstantiation, the authority of the Church, in the Trinity of the godhead and in the 39 articles.** Now the ordinances have judged men by the standard which asked whether they helped in the war effort, believed in the Empire, accepted the promise of

the Dominion Status and delivered up the undergound workers and bore witness against the overground Congressmen.

During a great war, all laws yield place to the Defence of the Realm Act (D.O.R.A.) in Britain and to the Defence of India Act (D.O.I.A.) in India and the rules made thereunder. But the delegated authority made over to the ministers and the Executive is always capable of extended use which may take it outside the pale of judicial limits or Legislative sanction. In not a few cases in India, citizens honourably acquitted by courts were detained under Defence Rules. In England one notable case of a like character was that of Mrs. Nicholson, wife of Admiral Nicholson who after being acquitted of the charges brought against her, was detained. This led to considerable agitation and in the fifth year of the war, a committee was appointed by Mr. Morrison (Labour) Home Secretary, which is a Select Committee of Parliament to act as an effective check upon any unjust action by the Executive in the exercise of its wide emergency powers. The Emergency Powers' Act confers upon the Home Secretary unchallengeable and unappealable powers over the liberty of the citizens. This is held by high Judicial authorities to be opposed to the traditions of Britainish Justice. The real difficulty is that Parliament is denied access to the information which may impel it to act. A Committee had therefore to be appointed which, while it did not trench upon the sphere of the Executive, would still be able to check hasty, ill-considered or unfair action by it, since with certain limitations, it could ask for information, examine civil servants and judge whether the action taken was justifiable. A compromise had to be affected between the rights of the people on the one hand and the privileges of Parliament on the other to prevent arbitrary action and unjust decisions. Some portions of Mr. Morrison's statement in the Commons and Labour and Press views would be found to be of interest in this connection.

The Government of India as well as of the Provinces were several times tossed about between the Defence of India Act and its rules on the one side and Regulation III of 1818 on the other. This happened both in the Punjab and in Bengal and the following leading articles from the columns of the "Amrita Bazaar Patrika" will be found highly interesting and instructive:

**THE JUDICIARY AND THE EXECUTIVE**

It was on the 22nd April 1943, that Sir Maurice Gwyer, Chief Judge, Federal Court delivered his famous judgment on Rule 26, of D.I.R.

By the time the Federal Court closed (on the 7th June '43,) only to open on the October 11th, the warfare between the Executive and the Judiciary reached an acute stage and affairs went really into a mess. To sum up the situation, the conflict centred round two laws—Rule 26 under Section 2-10 of the Defence of India Act which was pronounced illegal by the Federal Court on the 22nd April and the Special Courts Ordinance which was declared illegal by the Calcutta High Court. The former was tossed about back and forth between the Federal Court and the Bombay High Court and reaffirmed by the Federal Court and sent back to the Bombay High Court for executive action, i.e. for the release of Keshav Talpade, while the latter was on appeal by the Bengal Government confirmed by the Federal Court. The living bodies of the applicants for Habeas Corpus in the Calcutta High Court were ordered to be produced before the Honourable judges and the seven persons out of nine so produced were released—only to be re-arrested under century and a quarter old Regulation III of 1818. At the moment, there were applications pending before the Federal Court for appeal to the Privy Council by the Government of India over the Talpade case, appeals to Federal Court from the judgments of several High Courts which had held the New Ordinance of 28th April validating what was declared in the Talpade case invalid and illegal by the Federal Court and an application before the Calcutta High Court for permission to appeal to the Privy Council against their judgment holding the Special Courts ordinance illegal and invalid.

A veritable mess was created between the Executive and the Judiciary, between the various High Courts, and between the Federal Court and High Courts and the Privy Council. Unlike in the Dominions, the Privy Council was not yet eliminated. That was an achievement of the Westminster Act in the former. India not having attained the status of even a Dominion, appeals to the Privy Council were regarded as a matter of course, despite the establishment of the Federal Court under the Government of India Act of 1935. If the Government had been sincere, they might have put into force Wedgwood Ben's statement in the House of Commons as Secretary of State in 1931 that India was having Dominion Status in action. But the British are a strange people, not having full regard for the naked truth. Commander Wedgewood Ben's statement served a purpose then and in 1943, 12 years later, the Government of India and the Bengal Government wanted to appeal to the Privy Council! In Britain there arose feuds between the King and the Barons, at one time, between Royalty and Parliament at another, between the Church and the State, at still another time. But this conflict between the Judiciary and the Executive is peculiar to India for British Judges no less than Indian, have on innumerable occasions, judged facts and proceedings by strict law irrespective of the vagaries and wishes of the Executive. Such a conflict has arisen in the struggle that ensued in the course of the Indian deadlock and the measures taken to overcome it by forced marches, physical or legal.

On the same day (4th May, 1943) on which the Federal Court upheld by a majority of two against one the Calcutta High Court's judgment declaring certain provisions of the special courts' ordinance 'ultra vires', the Calcutta High Court by a like majority of two to one held that the Ordinance amending Rule 26 was 'ultra vires' and the detention of the applicants was improper and directed their release. On the top of these comes the Act of the Governor-General repealing the Special Courts Ordinances but validating the sentences passed by them and affording to the convicted certain opportunities for appeal to the Regular High Court. One is surprised to note how a responsible administrator can accept the High Court's verdict that a certain Ordinance is 'ultra vires', consequently repeal it and at the same time, validate the sentences passed by the special courts under the repealed ordinances. A state of anarchy resulted from the growing conflict between the Executive and the Judiciary. Apparently, the repeal of the Special Courts Ordinance, though it may be attributed to the improvement of the general situation, was meant primarily to restore the status and privileges of the High Courts which the Federal Chief Judge characterized as outcasts under the Ordinance. While thereafter the High Courts were no longer excommunicated, yet they had to face the very awkward situation of hearing appeals against sentences which are now validated but which it is open to the High Courts to pronounce to have been illegal as they were awarded under an ordinance which was 'ultra vires ab initio.' That would create a new situation once again.

Apart from this new possibility, the whole series of acts on the part of Authority indicates how during a crisis the bureaucracy is unable to take correct decisions whether it be with regard to food organization or administration of Justice.

While the position of Law and Fact remains thus—a position by no means complimentary to the Parliamentary draftsmanship of the Central Government or the administrative genius of Provincial Governments, the later procedure adopted by the Bengal Government in arresting the released prisoners under an old and rusty Regulation (III of 1818) impaired the reputation of the Provincial Government for failure to observe common decencies of life, let alone the common amenities of citizenship.

The Calcutta High Court's judgment holding the Special Courts Ordinance illegal had two interesting sequels, one of which the rearrest of the accused under Regulation III of 1818 has been referred to. The other related to the promulgation of an amended ordinance. The Ordinance estab-

lished special courts to try offences after the disturbances of 1942, leaving it to the Executive to decide what offenders should be brought before them.

The Calcutta High Court declared the Ordinance invalid, and the Federal Court on appeal has by two opinions to one upheld that judgment. The gist of this is that the ordinance-making authority evaded its responsibility of declaring rules and conditions and enunciating policy by which executive officers should be guided in deciding which cases should be brought before special courts, which before ordinary courts; when of their unfettered discretion they decided that an offender should be brought before a special court they removed him and the proceedings from the purview and jurisdiction of the High Court, in whose eyes the special courts have no existence. The rights of the subject cannot be limited in so indefinite a manner.

That is not all. "Pending cases" have received the most satisfactory treatment, being required to be transferred to the normal courts and subject to normal procedure. Really the cases that were decided by the Special Courts, now declared illegal, should have been accorded a similar treatment. The mere right to appeal, now accorded to them, was not enough. Justice in cases of conviction by the Special Courts, stood heavily weighted against the accused who were already declared guilty by the special judges whose status was not less high than under the amended ordinance but whose procedure and selection by the Executive were the points objected to. When once the ordinance was amended, it was but right that prevoius connections should have been scrapped too. An Executive which has exercised arbitrary powers, would be reluctant to part with them ungrudgingly and any reparations it might choose to make would be the proverbial "too little and too late."

Again the arrest under Regulation III of 1818 of the nine persons released by the Calcutta High Cuort under the Habeas Corpus applications constituted a violent breach of equity at any rate and laid the Government open to charge of contempt of Court. But apart from it, the cases may well be examined from the standpoint of the fulfilment of the provision of the Law however obsolete it may be.

It is difficult to imagine how Regulation III of 1818 was mobilized in a trice. Hardly had a few seconds elapsed since the prisoners emerged from the Court Hall when they were arrested, by certain Police officers of Bengal under the Regulation. A study of the detailed procedure enjoined by this Regulation shows that the decision which must be taken by the Governor General, under its terms, or at the lowest by the Governor of Bengal, if the most liberal interpretation of Law (Sub-section 5 of Section 126 of the Government of India Act 1935) is allowable. Even so, whether it be the Goevrnor General in Council or the Governor in Council that constitutes the lawful authority to take action under the Regulation, the fact remains that within the few seconds of release by order of the High Court neither of the dignitaries in Council, could have satisfied himself in respect of the purpose and proceednigs prescribed in the provisions of the Law, which lay down that the reasons described in the Preamble should satisfy them, that an individual should be placed under personal restraint, without any immediate view to ulterior proceedings of a judicial nature. Then a warrant of commitment under the authority of the Governor General in Council and under the hand of a Secretary to Government shall be issued to the officer in whose custody such person is to be placed. The warrant should state the place as well and an allowance must be fixed. It is further provided that every officer who is given the custody of the State prisoner should report to the Governor-General in Council whether the degree of confinement is likely to injure his health and whether the allowance is adequate. No law being above the High Courts, the circumstances of the application of Regulation III of 1818 to the nine prisoners released by the Calcutta High Court certainly constituted a fit and proper ground for investigation by the Calcutta High Court as to whether the requirements of Law and Fact were fully or at all observed.

The question has been debated at length whether the powers of the Governor-General-in-Council have been delegated to the Governors. Even if they were under the Act of 1858, they could not have been delegated to the Governor of Bengal, as the provinces of Madras and Bombay were the only Governors' provinces then. In 1912, under the Government of India Act, it is true, when the metropolis of India was shifted from Calcutta to Delhi, Bengal ceased to be the minor charge of the Governor-General as it used to be and was raised to the status of Bombay and Madras, but the point remains whether a Province could intervene in a matter relating to Defence to which Regulation III of 1818 primarily related.

Close on the heels of the perturbing judgments of the Federal Court, the Calcutta High Court, and last the Punjab High Court (ordering production before the judges of the person of Sirdar Sardul Singh Caveshir.) comes the challenge in Calcutta by a victim of the legality of the new ordinance 19 of 1943 replacing the Special Courts Ordinance (deceased) and the desperate manner in which Authority has thought it fit to perpetrate the wrong which was gracefully pointed out by its own judiciary—judges appointed under its seal, demonstrates to a puzzled world the correctness of the indictment by India that the India Government is arbitrary and despotic.

Another interesting if irritating feature about these Ordinances is that all the while in six provinces, there were ministers functioning, though they might not be regarded as popular ministers in all the provinces. Obviously, they could have no hand in the framing of Central Ordinances and apparently they had no part or lot in their administration. It looked as though the ordinances were transmitted by the Governor-General to the Governors and administered by the Governors through the Secretaries and without the intervention of the Ministers who had tamely to submit to their own supercession or vainly protest against it. The processes of devolution did not stop there. Authority gradually descended to the collectors of Districts and to their Executive, Army and the Police who at any rate, under the ordinances could decide which case could be tried by which court. In the course of the trial of one of these cases, the question was raised by acting Chief Justice as to exactly at what point were the ordinary law and ordinary courts superseded. The counsel for Government somewhat petulantly answered saying: "so soon as Special Courts are set up with furniture and Law Library". The Chief Justice could appreciate the equipment of the Courts with furniture but did not see where the Law Library came in because obviously he felt the Courts had precious little regard for Law or Law Books. In that one word did the Chief Justice bring into well merited contempt Ordinance 2 of 1942, which soon found its way to its grave. But the grave was not seven feet deep. It was shallow and the carcass was soon resurrected from the dead and reappeared as Ordinance 19 of 1943—though shorn and denuded of some of its flesh and blood, yet with the skeleton intact in all its ghastliness.

This conflict between Executive and Judiciary is to be met with even in England. A reference has been made in the section on administration to the apology tendered by Sir John Anderson, then Lord President of Council, to the King's Bench in England under conditions which may be given in detail here—(taken from 'Time' February 1st). "Sir John Anderson, Lord President of the Council since 1940 and No. 2 man in Winston Churchill's War Cabinet was indirectly threatened last week with imprisonment unless he watched his step. A Civil Servant since 1905, Sir John became known as "The man without Mercy" for his administration (as Joint Under-Secretary to the Lord Lieutenant of Ireland) of Britain's 'Black and Tan' Police during the Irish Rebellion of 1919-21 and for his stern Rule as Bengal's Governor from 1932 to 1937.

"As Lord Privy Seal in Neville Chamberlain's Cabinet, Sir John expertly worked out plans for the evacuation of 3,000,000 Londoners, then became Secretary for Home affairs and Home security before the invasion scare of 1940. It was in this post that he fathered the Home Emergency Powers

Act which, among other things, provided for the arrest of persons accused 'of spreading alarm and despondency.'

"One of the thousands of Britons arrested undder the Act was a certain Captain Thomas Wilson of Glasgow. During his seventeen months' imprisonment, he petitioned the King's Bench for an appeal. The Petition was intercepted by the Home Office for scrutiny and promptly suppressed by one of Sir John's underlings. After his release Captain Wilson asked the King's Bench to charge Sir John with contempt of Court, claimed £5,000 damages for loss of constitutional rights.

"The case was heard in the last week of January 1943, by a King's Bench, Justice Sir Travers Humphreys, 75, famed Criminal lawyer and one time Cambridge rowing man. When the Government Attorney General maintained that the Home Office action did not constitute contempt, Mr. Justice Humphreys snapped.

"An official of the Home Office is not the servant of Sir John Anderson, both are servants of the Crown. . . . Are you saying that it is for some subordinate in one of the Ministries to decide what this court will look at?"

"Though Justice Humphreys said the Court was powerless to make Sir John Anderson pay damages, he warned: 'If any case is brought before me hereafter in which any person—I care not how high his position or how great his name, be found to have interfered with the rights of one of His Majesty's subjects, I think I should have no difficulty in putting into force, the gerat powers of the King's Bench Division of imprisoning such a person for contempt of Court'." ('Time' Feb. 1, 1943).

The emergency created by war conditions has borne on its devoted head the responsibility for many an act of remissness on the part of the Executive. But it is doubly tragic if any Chief Minister should take upon himself the burden of justifying the excesses of his subordinatives in the executive or allowing himself to be briefed by them in answering questions and challenges on the floor of the Legislature. Yet this is what Sir Muhammad Saadulla, Premier of Assam did in respect of a case of shooting by the Police in Assam.

What the premier was unwilling to do—by refusing an equiry into grave allegations of indiscriminate and cruel firing the poor Indian—and that, a special magistrate, was able to do and in this respect Sir Muhammad Saadulla's weakness of attitude stands in glaring contrast with that of Mr. Fazl-ul-Huq who investigated the Dacca incidents himself and promised a public enquiry into the happenings at Dacca as well as Midnapore. In the end Fazl-ul-Huq was virtually deposed while Sir Md. Saadulla retained his premiership.

**AMENDMENT TO INDIA ACT — OFFICIAL MEMORANDUM — OFFICIALS ENABLED TO SIT IN LEGISLATURE**

NEW DELHI, Nov. 5.—The Central Legislature declared in terms of Section 3 of the India and Burma (Temporary and Miscellaneous Provisions) Act recently passed in Parliament, certain specified offices in the service of the Crown in India to be offices the holding of which does not disqualify the holder thereof for election as, or continuance as, a member of either chamber of the Indian Legislature.

**TRIAL OF ENEMY AGENTS — DEATH PENALTY PROVIDED — FIRST ORDINANCE OF THE YEAR 1943**

NEW DELHI, Jan 10.—The first Ordinance of the year issued under date January 9, provides for the trial and punishment of enemy agents and persons committing certain offences with intent to aid the enemy.

Death penalty is provided under the Ordinance for anyone who is an enemy agent or who with intent to aid the enemy does or attempts or conspires with any other person to do any act which is designed or likely to give assistance to the naval, military or air operations of the enemy

or to impede the naval, military or air operations of His Majesty's forces or to endanger life.

Any offence under the provisions of the Ordinance committed at any time after September 2, 1939 whether committed before or after the commencement of the Ordinance is triable by a Special Judge who may pass any sentence authorised by law. If a person sentenced to death or transportation for life or if the Special Judge certifies that the case involved questions of special difficulty whether of law or fact or was one which for any other reason ought to be reviewed, the proceedings before the Special Judges shall be submitted for review by a person appointed in this behalf by the Central Government, chosen from among High Court Judges in British India. His decision shall be final. If the Special Judge or the reviewing judge grants permission the accused may be defended by a pleader but such pleader shall be a person whose name is entered in a list prepared in this behalf by the Central Government or who is otherwise approved by the Central Government.

The "Amrit Bazaar Patrika" writes

### A DRASTIC INNOVATION

Provisions have been made by an Ordinance just promulgated by the Governor-General for the trial and punishment of enemy agents and persons committing certain offences with intent to aid the enemy. **Death penalty is provided for anyone who is an enemy agent or who with intent to aid** the enemy does or attempts or conspires with any other person to do any act which is designed or likely to give assistance to the enemy's naval, military or air operations or to impede similar operations of His Majesty's forces or to endanger life. Any offence in terms of the Ordinance is triable by a special judge who may pass any sentence. The judgment or order of the special judge is not subject to appeal, revision or review except where the sentence is one of death or transportation for life or where the special judge certifies that the case involves questions of special difficulty whether of law or of fact or is one which for any other reason ought to be reviewed. Thus a considerable measure of discretion is given to the special judge save in respect of death penalty or transportation for life where revision or review is an automatic process. But the review or revision is to be taken up in appropriate cases not by a High Court administering the ordinary law of the land according to the ordinary procedure but by a person appointed in this behalf by the Central Government from among the High Court judges in British India. The decision of the reviewing judge shall be final so that appeal to a High Court, the Federal Court even where the interpretation of the Constitution is involved or the Judicial Committee of the Privy Council is barred. The ordinary procedure of trial in criminal cases is not to be followed and if the special judge or the reviewing judge grants permission the accused may be defended by a pleader. Here also there is restriction; for presumably no pleader, advocate or counsel can appear for the accused unless his name is entered in a list prepared in this behalf by the Central Government or is otherwise approved by that Government. Without the previous authorisation of the Central Government again, no information with respect to any proceedings or any person proceeded against under the Ordiance, shall be disclosed or published. The Ordinance shall take effect retrospectively, that is, on and from the 3rd September, 1939.

### COLLECTIVE FINES ORDINANCE—NEW AMENDMENT

NEW DELHI, January 20.—An ordinance further to amend the Collective Fines Ordinance, published in the Gazette of India Extraordinary today, provides that "no suit, prosecution or other legal proceedings whatsoever shall lie against any person for, or in respect of, anything, which is in good faith done or intended to be done under this ordinance."—A.P.

Sir Maurice Gwyer's judgment on the day of his retirement April 22, convulsed the whole of India and the arbitrariness reached its acme in the Ordinance passed by the Governor General which reads as follows:

## INDEMNITY ACT — U. P. MEASURE TO COUNTERACT "SUBVERSIVE MOVEMENT"

LUCKNOW, April 14.—The United Provinces Maintenance and Restoration of Order (Indemnity) Act, 1943, which seeks to indemnify servants of the Crown and other persons in respect of acts ordered or done or purporting to be ordered or done in good faith in the reasonable belief that the act was necessary for the purpose of maintaining or restoring order, has been enacted by the Governor of the United Provinces. The Act has received the assent of the Governor-General and comes into force at once.

The statement of objects and reasons says:

"In August 1942, the Congress Party launched a subversive movement designed to paralyse Government. Extensive violence and damage were perpetrated and the destruction of communications in particular was calculated most seriously to jeopardise the defence of India against the enemy. Although martial law was not declared, the circumstances were similar to those in some instances by the imperative need of restoring order in the interests of the defence of India to take measures not covered by a provision of law. The Governor considers that protection should be given to such officers of Government and has accordingly enacted the United Provinces Maintenance and Restoration Order (Indemnity) Act, 1943."—A.P.

NEW DELHI, April 28.—The expected Ordinance validating the action already taken under Defence of India Rule 26 and amending the Defence of India Act is published today.

The Ordinance substitutes the following for existing clause X of section 2 (2) of the Act:

"(X) The apprehension and detention in custody of any person whom the authority empowered by the Rules to apprehend or detain as the case may be suspects, on grounds appearing to such authority to be reasonable of being of hostile origin, or of having acted, acting, being about to act, or being likely to act in a manner prejudicial to the public safety or interest, the defence of British India, the maintenance of public order, His Majesty's relations with foreign powers or Indian States, the maintenance of peaceful conditions in tribal areas or the efficient prosecution of the war, or with respect to whom such authority is satisfied that his apprehension and detention are necessary for the purpose of preventing him from acting in any such prejudicial manner, the prohibition of such person from entering or residing or remaining in any area, and the compelling of such person to reside and remain in any area or to do or abstain from doing any thing."

The Ordinance further provides:

"For removal of doubts it is hereby enacted that no order heretofore made against any person under Rule 26 of the Defence of India Rules shall be deemed to be invalid or shall be called in question on the ground merely that the said Rule purported to confer powers in excess of the powers that might at the time the said rule was made be lawfully conferred by a rule made or deemed to have been made under Section 2 of the Defence of India Act, 1939."—A.P.

The sequel to this ordinance. In Parliament the question was raised whether any compensation would be paid to those illegally detained in India as once in Ireland.

Mr. Amery, replying, said: "No question of redress or compensation arises."

Mr. Campbell Stevens (Ind. Lab.) asked Mr. Amery to reconsider the matter "in view of the case round about 1923 when Irishmen similarly treated all received compensation for their illegal detention."

Mr. Amery: "I do not think the cases are the same."

Asked if the Viceroy and the Government of India really had power to make illegal imprisonment legal, Mr. Amery said: "It has power to legalise a technical illegality."—Reuter.

### NEW SPECIAL POLICE FORCE — ORDINANCE ISSUED

NEW DELHI, July 12.—An Ordinance issued today provides for the constitution of a special police force to investigate certain offences committed in connection with departments of the Central Government, with power to investigate such offences wherever committed in British India.

The Ordinance lays down: "The Central Government may constitute a police force to be called the Special Police Establishment (War Department) to exercise throughout British India the powers and jurisdiction exercisable in a province by members of the police force of the province."

The Central Government are empowered to specify the offences or classes of offences committed in connection with the Central Government's departments which are to be investigated by the Special Police Establishment (War Department) or may direct any particular offence committed in connection with the Central Government's departments to be so investigated.—A.P

### SECTIONS 5, 10, 14 AND 16 OF ORDINANCE II OF 1942 DECLARED 'ULTRA VIRES' — CALCUTTA HIGH COURT SPECIAL BENCH DECISION — "RIGHTS OF SUBJECT HEAVILY CUT DOWN IN INTEREST OF SECURITY OF STATE"

"In the Special Courts (set up under Ordinance II of 1942) which are temporary and established to meet the grave emergency, the rights of the subject are heavily cut down in the interests of the security of the State .....The present position may result in an indefinite ouster of jurisdiction of the High Court and an indefinite ouster of the subject's rights without either the Governor General or the Court or the public being aware of the extent of it. The effect upon the administration of justice may be grave. It has already given the Court a great deal of anxiety and has given rise to serious complaints being made in the Bengal Assembly as to the use of this Ordinance....."

These observations were made by the Chief Justice while presiding over the Special Bench which had decided that the Ordinance in sections 5, 10, 14 and 16 was 'ultra vires'.

### POWERS OF SPECIAL COURTS — FEDERAL COURT'S JUDGMENT

NEW DELHI, June 4.—The Federal Court, by a majority of two judges, namely, Sir Srinivasa Varadachari, Acting Chief Justice, and Sir Muhammad Zafrulla Khan today dismissed the Bengal Government's appeal against the Calcutta High Court's judgment declaring certain provisions of the Special Courts Ordinance 'ultra vires'. The third Judge, Mr. Justice Rowland, dissented.

After the judgment had been given the Court granted an application on behalf of the Bengal Government for leave to appeal to the Privy Council. Granting the application, the Court observed: "The questions raised in the case are of great importance both to the State and to the subject. The differences of opinion in this Court and in the High Court are evidence of the difficulties attending an answer to some of them, particularly the question relating to the power of the courts to enter into consideration of some of the points discussed in the judgment of the majority here. There is also the fact that numerous cases pending in special courts in several provinces will be affected by this decision."

Affirming the Calcutta High Court's judgment, Sir Srinivasa Varadachari and Sir Muhammad Zafrulla, in a 59-page judgment, observed, "We are of the opinion that the Ordinance has not by itself replaced Sections 28 and 29 of the Criminal Procedure Code (if such repeal were necessary —as we think it was), that notwithstanding drafting devices, it is only the order of the executive authority passed under Section 5, 10 or 16 of the Ordinance, in respect of each case or group or class of cases that, in fact, operates to repeal those provisions of the Code, to divest the regular Courts of their jurisdiction and to invest the Special Courts with jurisdiction to try any particular case or group or class of cases.

## POWERS OF HIGH COURT

"We are also of the opinion that such executive orders cannot in law have any such effect and that Sections 5, 10 and 16 of the Ordinance are open to objection as having left the exercise of the power thereby conferred on executive officers to their absolute and unrestricted discretion without any legislative provision or direction laying down the policy or conditions with reference to which that power is to be exercised. The powers of the High Court, though in form taken away by Section 26 of the Ordinance, are, in fact, only taken away by the order of the executive officer, because it is only on such order or direction being given that any case becomes a proceeding before a special court for the purpose of section 26.

"We accordingly agree with the High Court that the court which purported to try and convict the respondents had no jurisdiction to do so."

In an earlier passage Their Lordships observed: "It has no doubt been always recognised that some authority in the State should be in a position to enact necessary measures to meet extraordinary contingencies. Section 72 of the ninth schedule makes ample provision for it: the question is about the manner of exercising that power. Before applying the analogy based on the English practice as to emergency legislation, certain differentiating circumstances must be borne in mind. In England even emergency legislation is parliamentary legislation or an Order-in-Coucil passed under the authority of parliamentary statute and it is always subject to parliamentary control, including, in the last resort, the right to insist on the annulment or modification of the Order-in-Council or even the repeal or modification of the statute itself.

"Under the Indian constitution, the legislature has no share in or control over the making of an Ordinance or the exercise of powers thereunder, nor has it any voice in making for its repeal or modification.

## ENGLISH PRACTICE

"Again, anything like a serious excess in the use of special emergency powers will, under the English practice, be a matter which Parliament can take note of when the time comes for passing the usual Indemity Act on the termination of the emergency. That is not the position here, as the indemnity can be provided by an Ordinance. As against all this, the only safeguard provided in the Indian constitution is that the matter rests entirely upon the responsibility of the Governor-General. This only confirms the argument against delegation of such responsibility, at least without laying down in clear and definite terms the limits and conditions governing the exercise by executive officers of powers conferred upon them by the Ordinance.

"Today, in India, the situation is complicated by the fact that when large and undefined powers are entrusted to provincial Governments and their executive officers, the constitutional limitations, conventions and etiquette implied in the theory of provincial autonomy make it difficult even for the authority promulgating the Ordinance to interfere to check the improper use of such powers.

"In the present case, it is impossible to deny that the Ordinance-making authority has wholly evaded the responsibility of laying down any rules or conditions or even enunciating the policy with reference to which cases are to be assigned to the ordinary criminal courts and to the special courts respectively, and left the whole matter to the unguided and uncontrolled action of the executive authorities. This is not a criticism of the policy of the law as counsel for the Crown would make it appear —but a complaint that the law had laid down no policy or principle to guide and control the exercise of the undefined powers entrusted to the executive authorities by sections 5, 10 and 16 of the Ordinance."

## DISSENTING JUDGMENT

Mr. Justice Rowlands, in his dissenting judgment, quoted the Privy Council's observations and expressed the opinion that a mistaken view had

been taken by the Calcutta High Court both of the powers of the Indian Legislature and indeed of the nature and principles of legislation. "All the orders passed have been passed, and all that has been done has been done, under the authority of the Ordinance, and they are to be deemed to have been effected by, and in virtue of the Ordinance. The only way in which courts of justice can properly determine such questions is by looking to the terms of the instrument by which affirmatively the legislative powers were created and by which negatively they are restricted.

"I find the words in section 95 of the Constitution Act bestow a power to make laws, unconditioned except by the words 'subject to the provisions of this Act' and after examining all the restrictive provisions brought to our notice, I have seen nothing in any of them that can be read so as to deny to the Indian Legislature the power to make such a law as this Ordinance." Mr. Justice Rowlands, therefore, held that the contention of the appellant ought to succeed and the finding of the Calcutta High Court ought to be set aside.—A.P.

## CASES TRANSFERRED TO SPECIAL COURTS — NAGPUR DECISION

WARDHA, June 16.—"I am clearly of the opinion that the Magistrate had taken cognizance of the case when he registered it and made inquiries about the addresses of the accused," observed Mr. Justice Puranik at the Nagpur High Court, allowing the revision petition of Prof. J. C. Kumarappa and four others against the orders of the District Magistrate transferring the case against them from the file of the Magistrate, First-Class, to that of a Special Magistrate under Ordinance 2 of 1942.

Prof. Kumarappa and the four other accused are being prosecuted under the Defence of India Act for an article entitled "Stone For Bread" published in the December issue of the "Gram Udyog Patrika", the official organ of the All-India Village Industries Association. The District Judge, before whom an appeal was preferred, refused to interfere in the matter and so a revision appeal was preferred before the High Court.

The main point for decision in the case was whether a case which was before an ordinary criminal court, constituted under the Criminal Procedure Code and exercising jurisdiction under that Code, could be transferred after it had been registered in such a court to the file of a Special Magistrate by order of the District Magistrate. Mr. Justice Puranik held that as soon as the Magistrate took cognizance of an offence, there was a criminal case against the accused persons and at that point of time he acquired such right of appeal or revision as the case might be, as the law conferred upon him. In this particular case, the First-Class Magistrate registered the case, inquired into the addresses and thus took cognizance of the offence. "On his taking cognizance of the case", the Judge observed, "it became triable under the Cr. P.C. and not under the Ordinance."

### ORDER SET ASIDE

For the reasons stated above, the Judge set aside the order of the District Magistrate transferring the case from the file of Magistrate First-Class to a Special Magistrate.

The accused did not question the validity of Ordinance 2. They only contended that section 10 of the Ordinance should not be applied to the present case.

This judgment was delivered last Monday when the full text of the Federal Court judgment, which was delivered only the day before, was not available. Even referring to this point, the Judge observed: "I have come to the conclusion that the provisions of Ordinance 2 of 1942 do not govern this case and that the District Magistrate acted illegally in transferring the case from an ordinary Magistrate to a Special Magistrate under the Ordinance. My order is with reference to the date on which it was in force and is not in any way affected.

The accused had been enlarged on bail but were later taken into custody. It was argued on behalf of the accused that if the order of the Special Magistrate was without jurisdiction, the accused should be allowed to continue on bail. The Judge did not propose to decide this point but directed that the accused, who are already in the jail, should be produced before whom the trial was ordered to take place and the accused, if so advised, might apply for bail before that Court.

## BIHAR AND U.P. SPECIAL COURTS' CONVICTIONS

One unfortunate result that might have been possibly avoided was the hanging of three men out of the eight sentenced to death by a Special Court in Bihar. When the news was published that those sentences were held in abeyance in view of the proceedings in the Calcutta High Court, there prevailed a feeling of relief at the prompt action taken in Bihar but soon afterwards it transpired that three had already been hanged. The fact of the matter seems to have been that ten days' time was given to those convicts for appeals in Bihar, while in U.P. seven days' time was given for appeal to similar convicts including those sentenced to death. It is a mystery why only 10 days' time was given in Bihar and seven in U.P. for such appeals instead of allowing the usual longer period of three months. If it is said that such a term had already elapsed and that the decision by the Calcutta High Court necessitated this renewal of scope for appeal, then it is open to the public to ask why when a new situation arose which necessitated a de novo right, that right was not accorded in its legitimate measure.

An interesting offshoot of the booklet on Congress responsibility published by the Government of India on the 22nd February was that the case of Sri Jagat Narain Lal, an ex-Parliamentary Secretary was referred to and that, mixing him up with a case of incitement to violence with which he had nothing to do. His conviction was on a different day and on a different case,—for breaking prohibitory orders under Section 144 Cr. P.C. and addressing a meeting. He had filed an appeal against his conviction before the Bihar High Court and it was while this appeal was pending that the Booklet was published in which an Ex-Parliamentary Secretary, an ex-Minister and an ex-Chief Minister were referred to. On the alleged ground that this reference interfered with his getting justice in the Bihar High Court, Sri Jagat Narain Lal filed a petition before Mr. Bevoor, I.C.S. Special Judge, Patna who on April 27 declined to take any action on the application filed on behalf of B. Jagatnarain Lal, M.L.A., Ex-Parliamentary Secretary, (now in jail) praying that notice be issued against Sir Richard Tottenham, Additional Secretary to the Government of India in the Home Department, to show cause why he should not be proceeded against for contempt of court.

The application was filed in the court of the Special Judge alleging that Sir Richard Tottenham published a pamphlet, entitled "Congress Responsibilities for Disturbances, 1942-43."

In this pamphlet, it was mentioned that the petitioner, Jagatnarain Lal, was convicted for inciting mob-violence and arson in Patna area. It was submitted by the petitioner that he was not convicted for mob-violence and arson, but of distributing prejudicial leaflets. His appeal was pending in the court of the Special Judge. It was alleged by the petitioner that the mentioning of the fact that he was convicted of mob-violence and arson was likely to prejudice the mind of the Court, before which his appeal was pending and thus due course of justice was likely to be hampered. Therefore, it was prayed by the petitioner that Sir Richard Tottenham should be called upon to show cause why he should not be proceeded against for committing contempt of court.

The learned Special Judge dismissed the application of Babu Jagatnarain Lal and observed that Section 270 of the Government of India Act protected all servants of the Crown from any and every criminal or civil

proceeding. It was, also remarked by the Judge that the mentioning of those facts in the pamphlet was not likely to hamper the due course of justice.

## SPECIAL COURTS ABOLISHED

NEW DELHI, June 5.—The Special Criminal Courts Ordinance, which the Federal Court held to be 'ultra vires' on June 4th, is repealed by a new Ordinance issued on 5th June.

The new Ordinance, which is to come into force at once, provides that sentences passed under the old Ordinance shall be deemed to have been passed by regular courts under the Cr. P. C. and subject to rights of appeal conferred by the Code, and that pending cases under the Old Ordinance shall be transferred to ordinary courts.

It also gives servants of the Crown immunity in respect of all action taken under the old Ordinance.

The following are the main provisions:—

Any sentence passed by a special judge, a special magistrate or a summary court in exercise of the jurisdiction conferred or purporting to have been conferred by or under the said Ordinance shall have effect and, subject to the succeeding provisions of this section, shall continue to have effect, as if the trial at which it was passed had been held in accordance with the Cr. P. C. 1898 by a sessions judge, an assistant sessions judge or a magistrate of the first class respectively, exercising competent jurisdiction under the said Code.

Notwithstanding anything contained in any other law, any such sentence as is referred to above shall, whether or not the proceedings in which the sentence was passed were the subject of an appeal under Section 13 or Section 19 of the said Ordinance, be subject to such rights of appeal as would have accrued, and to such powers of revision as would have been exercisable under the said Code if the sentence had at a trial so held been passed on the date of the commencement of this Ordinance.

Where any such sentence, as aforesaid, has been altered in the course of review or on appeal under the said Ordinance, the sentence so altered shall for the purpose of this section, be deemed to have been passed by the court which passed the original sentence.

Where the trial of any case pending before a court constituted under the said Ordinance has not concluded before the date of the commencement of this Ordinance, the proceedings of such court in the case shall be void; and the case shall be deemed to be transferred, in a presidency town, to the Chief Presidency Magistrate, or elsewhere to the sub-divisional magistrate who may either (i) inquire into or try the case himself or (ii) transfer the case for inquiry or trial to any magistrate subordinate to him in accordance with the Cr. P. C.

No suit, prosecution or other legal proceedings shall lie in any court against any servant of the Crown for or on account of or in respect of any sentence passed or any act ordered or done by him whether in exercise of any jurisdiction or power conferred or purporting to have been conferred on him by or under the said Ordinance or in carrying out any sentence passed by any court in exercise of any such jurisdiction as aforesaid.

## FEATURES OF ORDINANCE

The Special Criminal Courts Ordinance has been rescinded and a new Ordinance has been issued to meet the situation created by the judgment of the Federal Court.

The procedure now adopted provides for the fullest possible review of each of the cases of the convicted persons without having recourse to fresh trials which would considerably delay final disposal of the cases arising out of the August disturbances.

The Government could not view with equanimity the wholesale release of persons, many of whom had been convicted of such serious offences as murder, arson, looting, use of explosives and sabotage. To hold fresh trials would have imposed a great burden on the magistracy and the Sessions Courts, and would have also involved tremendous inconvenience to convicted persons and witnesses. In such circumstances it has been considered best to validate all the convictions and the sentences passed in such a manner that from the point of validation onwards the Cr. P. C. would come into effect and persons convicted under the Special Courts Ordinance can now appeal to appropriate courts under the Cr. P. C. to have the facts of their cases reconsidered and whenever an Appellate or Revision court considers necessary, a retrial ordered.

It should be noted that even under the Special Courts Ordinance although the procedure was less elaborate trials were held by First Class Magistrates and Sessions Judges who are the very judicial officers before whom cases of this kind are ordinarily tried.

The salient features of the new Ordinance are: (1) That convicted persons have the same right of appeal as they would have had had they been convicted by a Sessions Judge or an Assistant Sessions Judge or a First Class Magistrate, (2) That for purposes of limitation, appeals will lie as if sentences had been passed on the date on which the new Ordinance comes into force and a new appeal will lie irrespective of whether or not the case has been subject to review or appeal under the Special Criminal Courts Ordinance; (3) In cases where sentences have been reduced in appeals heard by Special Judges as Judges an appeal will lie against the reduced sentences; (4) All cases pending before the Special Courts will be transferred to ordinary courts for trial; (5) It will still be open to convicted persons to seek revisional jurisdiction of the High Court.

## SPECIAL COURTS ORDINANCE

"The Special Courts Ordinance was repealed on June 5, with the result that all special courts set up were abolished from that date."

The Home Member added that persons kept in confinement under that Ordinance had the usual facilities for filing appeals. He had no information whether they had appealed for bail, but there was no reason to believe that adequate facilities for consultation with their legal advisers had not been granted. In view of the opportunity now given to each such person to appeal against his conviction, under the Special Criminal Courts Ordinance, the Government's view was that re-trials were unnecessary.

## NO PROPER TRIAL OR OPPORTUNITY

In setting aside sentences on several persons who had been convicted by special courts constituted under the Special Criminal Courts Ordinance, now repealed, the Sessions Judge of Allahabad expressed the opinion that "in a majority of cases either no proper trial of the case was held or the accused were not given a reasonable opportunity to defend themselves". He further found that "in many cases the evidence was extremely weak and on merits there was no ground for the institution of a case against the accused." These remarks coming as they do from a judicial authority do not reflect credit either on those who had the accused persons prosecuted and convicted or on the procedure of law under which they had been convicted. If on the repeal of the Special Courts Ordinance, the right of appeal had not been granted to persons convicted by special courts, those whose convictions have been set aside by the Allahabad Sessions Judge or other judges in other places would today have been rotting in jail in execution of sentences that have now been found to be unsustainable in law. And who knows there may be scores of persons in jail even today convicted by special courts in whose cases no proper trial was held or who were given no reasonable opportunity to defend themselves. Though the right of appeal has been granted to such persons, all of them are not in a position to avail themselves of that right and secure a legal verdict as to their

guilt. Will those persons, who are unable to file appeals and challenge the validity of their convictions, be allowed to undergo their full term of imprisonment for offences which may, in case appeals are filed, turn out to be no offences at all in the eyes of the law? Why should not the Government release all such persons as had been convicted by special courts? Even if some of them have been rightly convicted, they have already expiated it by being in jail for a considerable time. Let no innocent person suffer simply because he is unable to take advantage of the newly granted right of appeal and establish his innocence. That can only be possible if all persons convicted by special courts are set at liberty.

## LEGALITY OF CERTAIN ORDINANCES

Dr. Morgan (Labour) asked Mr. Amery whether he would make a statement on the actual legal position arising from the recent judgments by the Federal and other courts in India either invalidating or questioning the legality of certain ordinances issued by the Viceroy.

Mr. Amery said, "The question relates to two ordinances. One is the Special Criminal Court Ordinance of 1942 which the Federal Court, upholding the views of the Calcutta High Court, declared last June to be 'ultra vires'. The Governor-General, therefore, made a fresh ordinance repealing that of 1942 but confirming the validity and continuance in force of all sentences already passed under it, subject to such rights of appeal and revision as would have been available had they been passed at trials held in accordance with the ordinary Criminal Procedure Code and providing further, in so far as pending cases were concerned, for the disposal of such cases in accordance with the provisions of that Code.

"The other ordinance is that which was made by the Governor-General last April in view of the Federal Court's decision that the Central Government had exceeded the powers conferred on it by the Defence of India Act in making Defence of India Rule 26 and that all orders made under the rule were accordingly invalid. The new ordinance, which purported to amend the above Act and to confirm the validity of orders duly made thereunder, was itself subsequently attacked in various High Courts, and though other High Courts upheld its validity, the Calcutta High Court in fact held that it was 'ultra vires'. On appeal, however, the Federal Court, while declining to pronounce definitely on the validity of the ordinance as a whole, decided that save in certain cases where provisions of Rule 26 were held not to have been strictly complied with, orders made had been validly confirmed by the ordinance.

## SPECIAL COURTS' SENTENCES — FEDERAL COURT DECISION

NEW DELHI, December 1.—The Federal Court unanimously upheld the validity of the ordinance validating the sentences passed by special criminal courts and decided that the provision in section three of the validating ordinance is not 'ultra vires' of the Governor-General.

The judgment was delivered in a series of 19 cases, arising from the 1942 disturbances in Bihar, the U.P. the C.P. and Madras. Their Lordships commented on the evidence and the proceedings in the cases and ordered the release of the accused in a number of them, reduced the sentence in one case from death to transportation for life and in other cases in which the death sentence had been awarded observed that it was for the executive to commute the sentence.

Their Lordships referred to two grounds of invalidation urged in the course of arguments. "It was said that the provisions of the Ordinance were hardly likely to conduce to peace and good Government, and were not, therefore, authorised by Section 72 of the Ninth Schedule (Government of India Act, 1935). It is sufficient answer to this to say that the Judicial Committee have laid down that this is not a matter for the courts to investigate.

"It was next said that Section 3 (1) of the Ordinance was retrospective in its operation and that the Governor-General had no power to pass Ordi-

nances with retrospective effect. This question has been discussed at some length in King Emperor versus Sibnath Banerjee etc. and Section Three (1) of Ordinance No. 19 is no more retrospective in its operation than Section Three of Ordinance No. 14 of 1943 which was then held to be valid."

## DEATH SENTENCES

Referring to cases in which the accused had been sentenced to death by special courts, Their Lordships said: "It was argued that as under Sections 31 and 374 of the Code of Criminal Procedure a sentence of death passed by a Sessions Judge was subject to confirmation by the High Court and as no such confirmation by the High Court as such had been provided for in the Ordinance, one of two consequences must follow; either the unconfirmed sentences must be treated as incapable of execution on the ground that there was no one who could properly refer them for confirmation, or the cases should be treated as pending cases within the meaning of Section Four of the Ordinance.

"While we agree that such sentences cannot be executed until confirmed by the High Court, we can see nothing to prevent the judicial officer who passed the sentences or the Sessions Judge for the time being referring them for confirmation to the High Court.

"We are also unable to accede to the contention that such cases can be treated as falling under Section Four even after they had been dealt with by a review judge under Section Eight of Ordinance Two of 1942. Section Four of Ordinance 19 can be invoked only in cases where the trial before the special courts had not concluded. The High Court acting as such under the Criminal Procedure Code cannot be spoken of as a special court within the meaning of the above provision."

As regards the sentence, it was urged that the death sentence imposed in these cases should be reduced to transportation for life on account of the time that had elapsed since the sentences were first pronounced. "We do not doubt," says the judgment, "that this court has power, where there has been inordinate delay in executing death sentences in cases which come before it, to allow the appeal in so far as the death sentence is concerned and substitute a sentence of transportation for life on account of the time factor alone, however right the death sentence was at the time when it was originally imposed. But this is a jurisdiction which very closely entrenches on the powers and duties of the executive in regard to sentences imposed by courts.

## EXECUTIVE'S FUNCTION

"It is a jurisdiction which any court should be slow to exercise. We do not propose ourselves to exercise it in these cases. Except in case number 47 (Mathri Lal versus the King-Emperor in which we are commuting the sentence largely for other reasons as hereafter appears), the circumstances of the crimes were such that if the death sentence which was the only sentence that could have been properly imposed originally is to be commuted, we feel that it is for the executive to do so. We do not doubt that in such case the executive will give the fullest consideration to the period that has elapsed since the original imposition of the sentence and to the consequent mental suffering undergone by the convict.

"It has been further suggested that in England when cases in which a death sentence has been imposed are allowed to be taken to the House of Lords on account of some important legal point, the consequential delay in finally disposing of the case is treated as a ground for the commutation of the death sentence, and that if such a practice is recognised in cases which go with the Attorney-General's authority to the House of Lords because they involve some point of law of exceptional public importance, a similar course might well be taken in this country in these cases in connection with which 'substantial question of law as to the interpretation of the Constitution Act' have twice had to be considered by this court in view

of the granting by High Courts of certificates under Section 205 of the Constitution Act. We consider, however, that these matters are primarily for the consideration of the executive and do not in the circumstances of these cases, justify us in commuting the death sentences by orders of this court. With these observations we dismiss these appeals."

In the case, Mathri Lal versus the King-Emperor, Their Lordships said the appellant in murdering his aunt must have been in an unbalanced state of mind. He had, besides, been awaiting the execution of his death sentence for over a year. In this case, a sentence of transportation for life would be more appropriate than the sentence of death.

### PROCEEDINGS VOID — DEATH SENTENCE SHOULD NOT BE CARRIED OUT

ALLAHABAD, March 7.—In this case one Balkeshwar alias Ambika was sentenced to death by the special judge of Jaunpur exercising powers under Ordinance II of 1942 for murdering one Bhagwati Prasad on October 23, 1942. Proceedings were sent to the reviewing judge and before he could pass orders the Ordinance was repealed by Ordinance XIX of 1943. Under the Ordinance Balkeshwar appealed to the High Court. The appeal was dismissed and the death sentence was confirmed by their Lordships, Justices Allsop and Hamilton.

On an application made to-day by the Government advocate, Dr. M. Wali Ullah, their Lordships said it had, however, since been held by the Federal Court that a trial under Ordinance II of 1942 was not complete if the reviewing judge did not pass orders, which it was for him to do under that Ordinance. It followed that in spite of their previous order the whole proceedings against Balkeshwar were 'ipso facto' void. In the circumstances the sentence of death should not be carried out and Balkeshwar should either be released or, if the Crown considered it necessary, should be tried again 'de novo.'

### PRIVY COUNCIL — ORDINANCE II OF 1942 UPHELD — JUDGMENT OF FEDERAL COURT SET ASIDE

LONDON,—The Judicial Committee of the Privy Council today gave its decision in the appeal—which the Lord Chancellor at the hearing described as very important—arising out of the setting up of emergency courts by the Viceroy in India in consequence of the Japanese threat to that country.

The Government of India successfully appealed against the majority judgment of the Federal Court of India upholding the decision of a High Court of Judicature, that 15 Indian policemen, sentenced to two years' R.I. each, for rioting and disaffection, had been convicted by a special court which had no jurisdiction. The High Court had ordered the conviction to be set aside and the 15 men released, directing that they were to be re-arrested and dealt with by the ordinary process of law.

The Ordinance, under which the special court was set up was No. 2 of 1942, and was promulgated by the Governor-General on January 2, 1942. It laid down, inter alia, that no court could revise the sentences of these special courts, or issue a writ in the nature of habeas corpus, provided it should come into force in any province of India, if the Provincial Government was satisfied of the existence of an emergency arising from public disorder or from attack in India or a neighbouring country.

The Privy Council, consisting of the Lord Chancellor (Viscount Simon), President, Lord Roche, Lord Porter, Sir Rayner Goddard and Sir Madhavan Nair, allowed the appeal.

The Lord Chancellor pointed out that upon Ordinance No. 2 being declared by the Federal Court to be 'ultra vires', Ordinance 19 was promulgated to replace it. But the Privy Council thought it better to decide whether Ordinance 2 was really invalid, as it might be of assistance in deciding other questions as to the validity of Emergency Ordinances.

Lord Simon directed that the judgment of the Federal Court should be set aside and Ordinance 2 of 1942 declared not to be 'ultra vires'.

Dealing with the two objections raised against the Ordinance on the question of emergency, Lord Simon said that the Privy Council was of the opinion that it was enough to say that an emergency might well exist which made it necessary to provide for the setting up of special criminal courts without requiring such courts to be actually set up forthwith all over India. Any other view would appear to deny the Governor-General the possibility of making provisions which could be instantly applied, if danger increased and became even more grave to the part of India where it was necessary to apply them.

It was quite obvious that the Governor-General regarded the situation on January 2, 1942, as constituting an emergency—in the view of what was happening, it would be remarkable if he did not—and this justified and authorized the Ordinance providing, in advance, for special courts. It did not in the least follow that the bringing of courts into operation all over India must take place at the same time.

Regarding the second point, their Lordships were unable to see that there was any valid objection to the Ordinance taking the form that the actual setting up of a special court should take place at the time and within the limits judged to be necessary by the Provincial Government specially concerned. This was not a delegated legislation at all. It was merely an example of a not uncommon legislative arrangement by which the local application of a statute was determined by the judgment of the local administrative body as to its necessity. There was no substance, Lord Simon added, to the further objection that Section 26 of the Ordinance, framed to exclude revisional and appellate powers of the High Court in cases dealt with by special courts, was ineffective and 'ultra vires'.

There remained the objection to the validity of the Ordinance, which their Lordships understood to be the main ground upon which it was held ultra vires. The substance of it was that the Ordinance made it possible to discriminate between one accused and another or between one class of offence and another; so that cases might be tried either in special courts or under ordinary criminal procedure. It was evident that this was an aspect of the matter which had greatly troubled the majority of judges in India who had had the case before them.

Their Lordships felt bound to point out that questions whether the Ordinance is 'intra vires' or 'ultra vires' did not depend on considerations of jurisprudence or of policy. It depended simply on examining the language of the Government of India Act and of comparing the legislative authority conferred on the Governor-General, with the provisions of the Ordinance by which he was purporting to exercise that authority.

Again and again the Privy Council has insisted that in constructing enacted words it was not concerned with the policy involved, or with results, injurious or otherwise, which might follow from giving effect to the judges who were in a majority in the Federal Court was based on the conception that there was something underlying the written Constitution of India which debarred executive authority—though specially authorized by Statute or Ordinance to do so—from giving directions, after an accused had been arrested and charged with a crime as to the choice of the court which was to try him. Their Lordships were unable to find that any such constitutional limitation was imposed.—Reuter.

## ORDINANCE 19 OF 1943: SPECIAL BENCH DECISION — MAJORITY HOLDS IT IS NOT ULTRA VIRES: JUSTICE SEN DIFFERS AND REPLIES TO JUSTICE ROWLAND

Judgment was delivered by the Special Bench consisting of the Chief Justice, Mr. Justice Khundkar and Mr. Justice Sen in the rule obtained by the petitioner Sushil Kumar Bose in the nature of Habeas Corpus under Section 491 Cr. P. C. against his conviction and sentence of four years' rigorous imprisonment passed by a Special Magistrate at Narail (Jessore)

appointed under the provisions of Ordinance II of 1942 on a charge of conspiracy to steal guns and theft of guns.

In this case the question arose whether Ordinance 19 of 1943, which repealed the Special Courts Ordinance (II of 1942), after the decisions of the Calcutta High Court and the Federal Court that some of the provisions of the repealed Ordinance were 'ultra vires', was 'ultra vires' also inasmuch as it contained a provision to the effect that the sentences passed by the Special Courts under Ordinance II of 1942 should continue to have effect as if the trial was held in accordance with the Code of Criminal Procedure.

The Chief Justice in the judgment said that in view of the circumstances under which and the speed with which the amending Ordinance (19 of 1943) was passed, it would be unfair to criticise it in the way that a statute might be criticised. The Ordinance did not validate the proceedings of the Special Courts; it put an end to those Courts and gave indemnity for acts done therein and thereunder. In his Lordship's opinion it was the duty of the appropriate court in the areas in which these sentences were passed to have those convictions brought up before it and quashed, and further to direct that the persons concerned should be dealt with according to law in the ordinary courts according to the ordinary process of law.

Mr. Justice Khundkar agreed. Mr. Justice Sen on the other hand held that Section 3(1) of the Ordinance which sought to give effect to the sentences passed by the Special Courts under the repealed Ordinance was ultra vires'. In this connection his Lordship replied to the criticism levelled against Mr. Justice Sen's judgment in Ordinance II case by Mr. Justice Rowland who was then a judge of the Federal Court.

A certificate under Section 205 of the Government of India Act (for leave to appeal to the Federal Court) was granted to Mr. J. C. Gupta.

Their Lordships set aside the conviction and sentence of the petitioner Sushil Kumar Bose who was directed to be released but to be re-arrested and dealt with in the ordinary court according to the ordinary process of law.

Mr. J. C. Gupta, Mr. S. C. Taluqdar and Mr. Joygopal Ghose appeared for the petitioner, the Advocate General (Mr. S. M. Bose) and the Deputy Legal Remembrancer (Mr. Amiruddin Ahmed) for the Crown.

### POSITION OF APPLICANT

The Chief Justice in his judgment said inter alia that the question for decision was, what was the position in law of the applicant having regard to the decisions of this court and of the Federal Court and the subsequent Ordinance 19 of 1943? His Lordship said that it was necessary to consider the circumstances in which the ordinance 19 was made. After the decision of this court declaring ordinance II of 1942 ultra vires on the question of jurisdiction, and that decision being upheld by the Federal Court, it was apparent on the evening of June 4 last that a large number of persons who had been convicted and sentenced by special courts constituted under Ordinance II were in a position to apply at once to the appropriate court for the appropriate relief and in most cases to be set at liberty either under the provision of section 491 Cr. P. C. or under the provisions of the High Court's revisionary powers. Some of the persons convicted might be innocent whilst some of them might be guilty of serious offences against the law. Persons who were in prison under sentences passed by the special courts were held in custody by the jailors under warrants signed by the special magistrate or special judges. On the pronouncement of judgment of the Federal Court that warrant being issued by a court without jurisdiction would be no authority in law for the jailors retaining the accused in custody. The result might easily be that a number of persons who had committed offences against the law would be entitled in law to have their release. It was unthinkable that the jailor would of his own accord release the persons convicted in the absence of an

order either from a court of competent jurisdiction or a duly authorised officer of the Government of the province. In the meantime their custody would be illegal and steps would have to be taken to indemnify the jailors and also the court which sent the accused to prison and possibly others. Something obviously had to be done and done quickly to give the jailors authority to retain the prisoners in custody until they would be dealt with according to law, e.g., either liberated or brought up before a proper court or both.

### AMENDING ORDINANCE

His Lordship said that such situations as the present were rare and his Lordship knew of no precedent for dealing with them. Obviously some measure had to be devised at once and the result was ordinance 19. In view of the circumstances under which and the speed with which the amending ordinance was passed, it would be unfair to criticise it in the way that a statute might be criticised. The proper course was to take the ordinance as a whole and in the light of the surrounding circumstances construe it so as to give effect to what appeared to be its proper meaning.

His Lordship continuing said that where it was desired to legalise something illegally done in the past, words of legalising statute were generally very clear. There was nothing in this ordinance which approached the words "made and declared lawful and confirmed." The word 'valid' was not used in this ordinance. If the present ordinance had wished to validate the proceedings of the special courts it might have used a language such as was found in the Act of 1936. The ordinance did nothing of the sort; it put an end to the courts at once and gave indemnity for acts done therein and thereunder.

### MEANING OF SECTION 3

Continuing his Lordship said that looking at the ordinance as a whole, as his Lordship thought it ought to be looked at—and having regard to what is provided and what it omitted to provide and having regard also to the circumstances in which it was passed, his Lordship was of opinion that the meaning and purpose of Section 3 were that the sentences already passed should continue to have effect as if they had been passd by a valid court until under the rights therein given to those convicted by the special courts, those sentences could be reviewed or dealt with in appeal under the provisions of the Code of Criminal Procedure when they should be dealt with according to law. One important feature of that law, declared by the Federal Court on June 5th and so far as Bengal and Assam were concerned, by this Court on April 21st, was that such sentences were invalid as being passed upon convictions in courts which had no legal authority.

### JUDGE'S FINDINGS

In his Lordship's opinion it was the duty of the proper court which had the appellate or revisional jurisdiction in the areas in which these sentences were passed to have those convictions brought up before it and quashed, and further to direct that the person concerned should be dealt with according to law in the ordinary courts according to the ordinary process of law, with this exception that where the sentences passed by the special courts had been substantially served, the court should direct that no further proceedings be taken. Where the subsequent trials under the Code were held and resulted in convictions it would be the duty of the judges passing sentences to have regard to the sentences passed and already served or suffered under the special courts convictions and pass such new sentences as in effect gave to the convicted persons credit for the sentences served or suffered under the special courts convictions.

### EMPLOYMENT OF WORD "SENTENCE"

Mr. Justice Khundkar, agreed. In his Lordship's opinion the employment of the word 'sentence' in section 3 was ill-advised and out of place.

What the legislature apparently intended to give relief to and to continue was really the penalty or punishment, be it fines or imprisonment, which was now in process of being endured by persons who had been visited with such penalty or punishment under Ordinance II. No more than this was intended. The conclusion which his Lordship reached was that section 3(1) did not amount to a declaration that the jurisdiction conferred by section 5, 10 and 16 of ordinance II was valid jurisdiction nor could it be said that this sub-section was resurrecting or re-enacting that jurisdiction. In his Lordship's judgment section 3 (1) extended the indemnity contained in section 5 to the jailors if they continued to hold persons imprisoned under ordinance II until the court ordered those persons to be released and to officers of courts in which fines had been paid if they retained the money until the court ordered the fines to be refunded.

His Lordship further continuing said that in his judgment this court acting by virtue of its power under section 491 could at any time order the records of any case tried under ordinance II to be brought up and could, subject to the provision of that section, quash the sentences. This court required no power from the present ordinances to do so.

It was clear to his Lordship that these sentences could not be sustained. The result was that all sentences pronounced by special courts must be quashed when they came before this court under section 491 or before any court in revision. Till then the jailor might hold the persons who were in prison and the authorities to which fines had been paid might retain the money in their hand. This in His Lordship's opinion was the only effect which could be given to section 3(1) but it was an effect which his Lordship thought the court was bound to concede to it by reason of the rules of interpretation which His Lordship had discussed in his judgment.

## HISTORY OF THE ORDINANCE II

In his judgment Mr. Justice Sen at the outset discussed the history of Ordinance II of 1942 and the decision of this Court that the Special Courts had no jurisdiction to try the accused persons and said that an appeal from that decision was taken to the Federal Court by the Crown. The majority of the Federal Court, Mr. Justice Rowland dissenting, had no jurisdiction to try the accused persons. Mr. Justice Rowland rejected the unanimous opinion of this Court and also the view that Mr. Justice Sen alone held (in the decision on Ordinance II), namely that the whole Ordinance II was 'ultra vires' as the Ordinance, on the face of it, showed that the Governor-General was of opinion that an emergency requiring the Ordinance had not arisen at the time the Ordinance was promulgated. He had expressed disagreement with Mr. Justice Sen's view in language which "I (Mr. Justice Sen) cannot hope to emulate." He describes His Excellency the Viceroy sitting in his special train and hearing the wheels humming 'Emergency, Emergency' and then 'No Emergency yet, no Emergency yet'. Then he goes on to say 'I am not speaking in a spirit of levity, I am very much in earnest but so strong is my dissent from the line of argument I am examining that without some safety valve, I could hardly restrain myself from commenting on it with undue warmth.' A little later Mr. Justice Rowland observes: 'Do I dream? Am I in wonder-land? Have we met in the person of the learned judge what Lord Atkin might call a new Humpty-Dumpty? How much over time are the words to earn by meaning what the learned Judge says? For it seems to me that the boot is on the other foot.'

Mr. Justice Sen continued: "I believe there is a sound rule that metaphors like strong drinks should never be mixed. Such mixtures lead only to confused thinking. I must confess that the mixture of Viceregal trains, dreams and boots is too potent for my assimilation.

"Is it my judgment that is solely responsible for making His Lordship feel once like over-heated locomotive with an inadequate safety valve drawing the Viceroy's special train and then like innocent Alice, wonder-

ing at things she cannot understand? I may have thought it was, were it not for the fact that the other two learned judges, who were trained in the profession of law reacted differently from Mr. Justice Rowland who, in the words used by the Lord Justice Turner of the Judicial Committee in the Sivagunga Case, is "an unprofessional judge" (9 M.I.A. 539, 601). Their Lordships, the Chief Justice of India and Mr. Justice Zafrullah Khan, after setting out in great detail the arguments on the points concluded.' 'The contentions put forward on behalf of the respondents in this part of the case found favour with Mr. Justice Sen in the court below and they undoubtedly raise substantial questions. In view, however, of the conclusions at which we have arrived on the main ground of attack against the validity of the ordinance, we do not consider it necessary to pronounce an opinion on these questions."

Mr. Justice Sen proceeded: "Having introduced the technique of likening Judges whose opinions differ from his to characters in fiction, Mr. Justice Rowland will, I am sure, not take it amiss if I say that his manner of criticism of points of law which he does not appreciate makes me wonder whether in him we have not a reincarnation of that well-known character in fiction,—Bumble the beadle,—who disliking an interpretation of the law exclaimed 'The law is—a 'ass—a idiot'. (Oliver Twist, Chapter 41).

## JUSTICE ROWLAND'S JUDGMENT

"Mr. Justice Rowland's judgment cannot of course have any authoritative value, it may have a persuasive value. I am however not persuaded. I shall therefore deal with the new ordinance from the same standpoint as that which I took when examining the repealed Ordinance II of 1942 and even at the risk in again disturbing his Lordship's composure I shall try and avoid that attitude which Lord Atkin deprecates in the very case from which Mr. Justice Rowland sought to draw inspiration. I refer to the observations of Lord Atkin, which probably escaped the notice of Mr. Justice Rowland. They are as follows: 'I view with apprehension the attitude of Judges who on a mere question of construction when face to face with claims involving the liberty of the subject show themselves more executive minded than the executive.' (Liversidge v. Sir John Anderson 1942 A.C. 206, 244).

## NEW ORDINANCES

"The new ordinance avoids some of the defects of the one it repeals. There is nothing on the face of it, to show that the Governor-General was of opinion that an emergency necessitating the measure had not arisen at the time of its promulgation. It comes into force at once, there is no delegation of the function to decide whether an emergency exists; there is no delegation of legislative powers to the executive nor is there any abdication of legislative powers, nevertheless, in my opinion, one of its sections, Section 3 is tainted with, what I may term, the original sin of the old ordinance and is therefore ultra vires."

Mr. Justice Sen proceeding referred to two provisions of Section 3(1) which gave effect to every sentence passed by a Special Judge, special magistrate or summary court constituted by the repealed Ordinance (II of 1942) and sought to transform it into a sentence passed at a trial held in accordance with the provisions of criminal procedure code either by a sessions judge, an assistant sessions judge or a magistrate of the first class respectively.

After examining the relevant sections of the Ordinance, His Lordship observed that by validating the sentences the Governor-General was really validating the sections by which he conferred jurisdiction upon the special courts—sections which had been declared to be ultra vires by the Federal Court. To permit the Governor-General to do this would be to permit a ratification of an 'ultra vires' act by a person guilty of it. This could not be done.

## GOVERNOR-GENERAL'S POWER

His Lordship said that after the decision of the Federal Court regarding Ordinance II this court must hold that the Governor-General as ordinance maker had no power to make a law which could subject the petitioners to the trials in which they had been sentenced. As such trials could not have been authorised by antecedent legislation they could not be validated by a subsequent ordinance. It followed that the sentences also could not be validated. In these proceedings His Lordship was not concerned with Sections 4 and 5 of the ordinance and His Lordship expressed no opinion regarding them. In His Lordship's view Section 3(1) was 'ultra vires' the Governor-General's ordinance-making powers and the other subsections of section 3 being consequential to sub-section (1) must fall with it.

Dealing with the matter on the footing that the entire Ordinance II of 1942 was 'ultra vires' there being nothing in the decision of the majority of the Federal Court which discouraged His Lordship from adhering to that view, His Lordship held that in this aspect of the case also, Section 3 of Ordinance 19 would be 'ultra vires'.

## VALIDITY OF SECTION 3

His Lordship continued that the Chief Justice and Mr. Justice Khundkar had expressed the opinion that Section 3 was not 'ultra vires'. As His Lordship differed from them His Lordship felt that he should give his reasons for so doing. The Chief Justice's view was this: Section 3 did not validate anything at all. The sentence was not validated nor the conviction. All that section 3 did was to make it legal for the jailor to hold in custody persons convicted under Ordinance II. Such persons might now come to court in appeal or revision and the court must instantly quash the sentences as they were not based on valid conviction, the court passing the order of conviction not having any valid authority to pass any such order. In the opinion of Mr. Justice Sen the words "shall have effect" and "shall continue to have effect" meant that the sentences were being validated. "Shall have effect" must mean "shall have legal effect". A sentence which was void could not have legal effect. It was only a valid sentence which could have legal effect. If therefore a sentence was given legal effect it was necessarily given validity. Again the fact that the sentences were made subject to appeal and revision presupposed that they were being validated subject to appeal and revision. If they were intended to be kept void then there was no necessity to make them subject to appeal and revision.

Mr. Justice Khundkar had said that the whole ordinance indicated an intention on the part of the Governor-General to bow to the decision of the Federal Court and that the court must therefore hold that section 3 was also framed with this intention. According to him the word "sentence" in section 3 really did not mean "sentence" in the strict legal sense. What the legislature meant to give life to and continue according to him, was not the sentence but the penalty or punishment. Neither the sentence, the conviction nor anything else, he said, was validated. His Lordship must say with respect that he could not appreciate this view. If the punishment was validated the sentence was validated. What was a sentence but a punishment inflicted by a Court?

His Lordship agreed that parts of Ordinance 19 indicated that the decision of the Federal Court was being accepted but section 3 was not such a part. Because an Act was valid in part it did not follow that the court must construe every section to be valid. The word "sentence" in this manner concluded that every sentence passed by a special court must be quashed in as much as the trial and conviction remained illegal. If the intention of the Governor-General in enacting this Ordinance was to have all the convictions and sentences automatically quashed by the courts he could very easily have said so, there was no need to declare that the sentences should be deemed to have been passed in accordance with the Cr.P.C. nor was there any need to make elaborate provisions for appeal and revision.

Having held that Section 3 was 'ultra vires' his Lordship would direct that the rule be made absolute and the conviction and sentence be set aside. The petitioner should be set at liberty forthwith.

As the Federal Court Judgment of 22nd April was delivered, applications under the Habeas Corpus came pouring in the different High Courts of Calcutta, Bombay, Madras, Patna, Allahabad, Lahore and Nagpur. While the release of Talpade over whose appeal the whole Law developed was still hanging in the balance, different Courts ordered releases in Calcutta and Hyderabad, while in Patna Government ordered certain releases in view of the Federal Decision. The validity of the Ordinance was challenged in the Bombay and other High Courts. Madras, Lahore and Patna High Courts declined to consider Habeas Corpus applications on the ground of the New Ordinance. In one case (Prof. Jain), the application was withdrawn from the Bombay High Court as he was released by the Bombay Government. The Calcutta High Court decision declaring section 5 and 10 of the Special Criminal Courts Ordinance illegal was appealed against by the Bengal Government but those convicted by Special Courts moved application for the cancelling of their sentences before the Calcutta and Patna High Courts. Confusion became worse confounded. One High Court did not agree with another. The Federal Court was criticised by the Bombay High Court who had returned the former's judgment on the ground it was wanting in a declaration. For six days, 22nd to 28th, thousands were illegally detained and it was not known a month later whether the validation of the illegality was legal or not. The Bombay judgment is abounding in legal interest. The Chief Justice Sir John Beaumont who has since been awarded a K.C.S.I. in the Birthday Honours of June 1943 and Justice Chagla agreed but Justice Weston, a civilian judge disagreed and opined that Keshawa Talpade should be released. The Federal Court referred back the Papers on the 31st May to the High Court for Executive action in accordance with the Federal Court Judgment. Justice Rowland, the acting Judge agreed with his colleagues. On the Bengal Government's appeal however against the Bengal High Court Judgment holding Special Courts Ordinance illegal, Justice Rowland differed from his two colleagues who by a majority held the ordinance illegal.

## ACCUSED ACQUITTED UNDER RULE 26

BELGAUM, July 29.—Mr. P. M. Lad, District and Sessions Judge of Belgaum, today acquitted Rayangouda Patil of Tallur and Rudragouda Patil of Choki, who were charged under Defence of India Rule 26, with not having surrendered to the police following the Belgaum District Magistrate's order.

It was argued on behalf of the accused that the District Magistrate had not been empowered by the Provincial Government to issue such an order, that mere publication of the order in the Government Gazette did not amount to a sufficient notice, and lastly that the order had neither been published in the villages nor stuck on the houses of the accused.

The accused were discharged but subsequently re-arrested under the Defence of India Rules.—A.P.

## YOUTH'S DETENTION ILLEGAL — 'HABEAS' PETITION BEFORE BOMBAY HIGH COURT

BOMBAY, August 17.—The Chief Justice, sitting with Mr. Justice Rajadhyaksha at the Bombay High Court on Tuesday in a 'habeas corpus' petition intimated to the Government pleader to inform the higher authorities of the seriousness of the case before them concerning the arrest of a young man in Poona on December 9, last and detained since then as an under-trial prisoner.

The petition was filed by Shanker Damodar who alleged that his son, Sadashiv, had been arrested in Poona in December last and since then detained. He also alleged that Sadashiv had not been produced even once

before a magistrate for remand nor was any order under the Defence of India Rules, served upon him. He submitted that the detention was illegal and that his son might be released.

The Court ordered asking the Government pleader to produce relevant papers as well as to produce the prisoner in court on Friday, August 20.

Their Lordships also directed that copies of all orders, made by the magistrate granting remands and postponements in the case should be produced and that a responsible jail officer should make an affidavit stating on how many occasions and for what purpose the prisoner was taken out of jail since his arrest.—A.P.

## QUESTION OF VALIDITY OF ORDINANCE

NEW DELHI, August 20.—Mr. N. P. Engineer, Advocate-General, Bombay, continuing his arguments before the Federal Court today, emphasized that the question whether an ordinance whose life was limited could effect a change in a permanent enactment, did not arise in this case because the Ordinance validating D.I. Rule 26 sought to amend a temporary rule under a temporary, wartime enactment.

Mr. Justice Spens, Chief Justice, asked what was the authority which had to be satisfied before an order under the D.I. Rule was issued. Was it the Governor or the Provincial Government?

Mr. Justice Varadachariar observed that the distinction must be kept clear that the person who was to be satisfied and who was to make the order, was different from the person in whose name the order was to run.

With reference to the Chief Justice's question, the text of the orders issued by Provincial Governments was read out. Some of the orders stated that whereas the Provincial Government was satisfied that detention was necessary, that Government made the order of detention, while the order issued by the Madras Government, said that whereas the Provincial Government was satisfied, the Governor issued the order.

Mr. Engineer contended that the power of detention was given to the Provincial Government and therefore it was the Provincial Government which must be satisfied. He proceeded to cite a number of rules under the D.I. Act which, he said, dealt with such trivial matters that it could not possibly be intended that the Governor personally was to act.

Mr. Justice Varadachariar remarked there was nothing to show that that meaning of "Provincial Government" could be of general application. That meaning would hold good only in a particular context mentioned by the Advocate General.

Dr. N. P. Asthana, Advocate-General, U.P., contended that the scheme of the Government of India Act contemplated that the Governor-General when making ordinances or repealing Acts of both the Chambers, was himself functioning as Indian Legislature. Once it was conceded that the Governor-General and both the Chambers were only the different forms of the Indian Legislature, there would be no difficulty to recognize that the Governor-General had powers to repeal or amend Acts of the legislature.

Mr. M. Sleem, Advocate-General, Punjab, maintained that the Governor-General had power to pass any law, including one repealing or amending the existing laws. He contended that an ordinance could repeal or amend an enactment other than an ordinance.

Referring to the definition of "Provincial Government", he pointed out that it meant "the Governor acting through himself or though officers subordinate to him."

Defining emergency as a "sudden juncture" demanding immediate action, Sir B. L. Mitter, Advocate-General, India asserted that the power to repeal or amend an existing law was implicit in the word emergency. The Governor-General was to use his ordinance-making power only when an emergency occurred. It might be that in that emergency an existing

law was not enough and might require modification. His contention, therefore, was that the ordinance-making power necessarily involved the power to repeal, modify or implement the existing laws which might have been found to be inadequate.

Differing from the U.P. Advocate-General, Sir B. L. Mitter asserted that there were two legislative bodies in the country, namely the Governor-General and the legislature.

Referring to Section 67-B of the 9th schedule which empowered the Governor-General to enact legislation in case of the failure of either Chamber of the Indian Legislature to pass it, Sir B. L. Mitter said such a Bill might well be a Bill repealing or amending an existing enactment. Could it be contended by anybody, he asked, that in passing that Act, the Governor-General had no power to repeal or amend? He declared that the same applied to the ordinance-making power, and the absence of the words "repeal or amend" in Section 72 of the 9th Schedule was no obstacle to holding that the power existed.

After arguing that there had been some ordinances in the past with retrospective effect, Sir B. L. Mitter referred to the Governor-General's Acts under Section 67-B of the 9th schedule, "which afford the closest analogy," and pointed out that there had been some instances in which Finance Bills were certified with retrospective effect.

The Court adjourned till next day.—A.P.

### NAGPUR HIGH COURT JUDGE'S OPINION

NAGPUR, August 19.—The opinion that the Ordinance XIV of 1943, validating Defence of India Rule 26 is 'ultra vires' was expressed by Mr. Justice Vivian Bose of the Nagpur High Court, while the contrary opinion was expressed by Mr. Justice Digby, during the course of their observations on a number of applications under Section 491 challenging the validity of the ordinance and the Defence of India Amendment Ordinance of 1943.

Mr. Justice Bose expressed the view that the applicants be set at liberty because the impugned ordinance was 'ultra vires' and because even if it were 'intra vires', the executive had not been validly armed with power to detain them. Mr. Justice Digby dissented from the opinion expressed by Mr. Justice Bose. The case will now be referred to a third judge for the final judgment.—A.P.

### DEFENCE RULES AND DETENUS — RIGHT TO SECURE LEGAL ADVICE —NAGPUR JUDGE'S ORDER — REFUSAL OF FACILITIES AN "ABUSE OF POWER"

NAGPUR, December 11.—Justices Pollock and Bose of the Nagpur High Court, disposing of 'Habeas Corpus' application questioning the validity of an order passed by the Additional District Magistrate of Nagpur, detaining seven persons under the Defence of India Rules, held that persons detained under Defence Rules had the right to apply to the High Court, under Section 491, Cr. P.C. and directed the Provincial Government to afford the detained persons all reasonable facilities for obtaining such legal advice as they desired, subject to such safeguards as may reasonably be necessary.

### "PRINCIPLES OF LIBERTY APPLY TO INDIA"

Justice Bose, in the course of his order, quoted the observations of Lord Atkin in a recent English case and added: "I may add that these principles of liberty to which Lord Atkin refers apply as much to India as elsewhere and it is relevant for a Judge in India to take judicial notice in a matter of this kind of repeated Allied pledges that justice will be done after the war and that those of the enemy found guilty of excesses and abuse of power will be brought to book and tried and punished, as it was for the learned Law Lords in Liversidge's case to take judicial notice of the existence of Quislings and Fifth Columnists and of Lord Atkin to take

notice of the principles of liberty for which, on high authority, we are fighting. I gather that the necessity of war will not be sufficient excuse for excess or abuse of power committed by the enemy. I cannot think it is intended that this should be different here and therefore Courts must inquire into such allegations if they are made."

Observing that the jurisdiction of the High Court under Section 491 has not been expressly taken away, Justice Bose said that "so long as this jurisdiction is there, Judges must, in my opinion, be alert to see that the full effect of that jurisdiction is not whittled away or rendered ineffective by such orders as these."

### DETENU PRODUCED IN HIGH COURT — INTERVIEW WITH COUNSEL —HEARING OF 'HABEAS CORPUS' APPLICATION

NAGPUR, December 22.—A Division Bench of the Nagpur High Court consisting of Mr. Justice W. R. Puranik and Mr. Justice C. R. Hemeon ordered Mr. W. R. Awari, a detenu, to be produced in the High Court.

Mr. Awari had filed 'Habeas Corpus' application, alleging that his detention was unjustifiable. His counsel was permitted to see him, but both he and his counsel declined to take the interview across the grille, through which interviews with security prisoners are generally conducted.

The Advocate-General, on behalf of the Government, submitted that the Government was not prepared to relax the existing rules in Mr. Awari's case. Their Lordships observed that the matter could be decided only by the production of Mr. Awari in court. They also remarked that under the Indian Evidence Act, communications between a client and counsel are private and, therefore, it would not be possible to have such an interview in jail.

As directed by the Division Bench of the High Court Mr. Awari was produced before the High Court today for interview with his counsel.

The Advocate-General filed an application that the interview be held in camera. Their Lordships, after hearing the Advocate-General, ordered that counsel would interview Mr. Awari in a room behind the chamber of Mr. Justice Puranik, in the presence of the Deputy Registrar of the High Court, but not within hearing and that police might guard the room standing at a distance but not within hearing.—A.P.

### PUBLICATION OF HABEAS CORPUS PETITION

Dealing with the second charge, namely the publication of the proceedings of the 'habeas corpus' petition against the arrest of Mr. Bali his Lordship remarked that in the notice issued to the opposite parties, it was suggested that the sentence in this report, "Mr. Ramlal Anand, Advocate, appearing on behalf of Mr. P. L. Sondhi brought to his Lordship's notice the fact that the order of arrest of Mr. Bali issued by the District Magistrate, Lahore, was illegal, improper and mala-fide" was a comment on a pending matter Mr. Ramlal Anand, Advocate, made this submission and this sentence merely reproduced the submission of Counsel and in his Lordship's view, could not be regarded as comment by the "Tribune" on the illegality or impropriety of Mr. Bali's arrest. It was merely an account of what Mr. Ramlal Anand said, and was clearly not contempt.

As regards the publication of certain portions from the petition, his Lordship observed that it had been held that if a party to the proceedings published before those proceedings were heard, a plaint, a petition or such like with a view to prejudicing the minds of the public against the other party, it could amount to contempt. The printing of certain paragraphs, which clearly formed the basis of Counsel's submissions was nothing more than a repetition of the submissions and simply showed that they were the basis of Mr. Anand's contentions already reported.

"In any event, there did not appear to me," said his Lordship, "to be anything in these paragraphs which, it could be said, was likely to interfere

with the due course of justice". There was no suggestion that in setting out these paragraphs the editor, publisher or reporter had any intention to prejudice the case for the Crown and in his Lordship's view that case was in no way prejudiced by the inclusion of these paragraphs in the report.

As regards the third charge, namely a headline on a court case, the Chief Justice observed that it was suggested that the use of the phrase "Lawyer Insulted" as a heading amounted to contempt of court. In his Lordship's view the heading could not be divorced from the remainder of the paragraph, and every one reading the whole article would realise at once that the phrase "Lawyer Insulted" merely meant that the lawyer in that particular case had in the circumstances complained that he had been insulted. Further the phrase "Lawyer Insulted" appeared in inverted commas which made it tolerably clear that it was merely a quotation from what appeared below, and was not some independent comment of the newspaper upon the incident in question.

### MR. JUSTICE MUNIR'S REMARKS

Mr. Justice Mohammad Munir, in the course of his dissenting note observed: "I agree that the notice in regard to the charge No. 2 and No. 3 should be discharged for the reason given by My Lord Chief Justice. With regard to the first charge (namely the reproduction of vernacular newspapers' comments on the arrest of Mr. Bali) for reason that I shall state at present, I most respectfully differ from the conclusions of My Lord the Chief Justice, though my ultimate conclusion on this charge also is that the notice to commit be discharged."

All the three Judges finally passed the following order: "The three opposite parties (Mr. Subrahmanyam, Editor, Mr. A. C. Bhatia, Reporter, and Mr. Bholanath, Printer and Publisher) are found not guilty and are acquitted on all the charges preferred against them."—A.P.

### DETENU TO APPEAL IN COURT — LAHORE HIGH COURT ORDER

LAHORE, June 18.—Holding that there was no bar against detenus being required to appear in court or give evidence on commission, a division bench of the Lahore High Court, consisting of Mr. Justice Blacker and Mr. Justice Mohammad Munir, passed an order today directing that Sardar Sardul Singh Caveeshar be brought before the court on June 24 and that all facilities be granted to him to make an affidavit, if he liked to file one, about the facts of his detention. Their Lordships, in their judgment, observed: "It must be distinctly understood that though we have ordered him to be brought before the Court, the order does not imply an inquiry into all matters raised by the application or that the detenu shall have the right to give 'viva voce' testimony on all such matters."

Sardar Sardul Singh, who is at present detained in Dharamsala Jail under the Defence of India Rule 26, had moved a 'habeas corpus' petition from the jail in the court of Mr. Justice Mohammad Munir. The petitioner had asked that he be summoned in the court to make a statement. The Advocate-General opposed the production of the detenu in the court on the ground that the High Court had no jurisdiction to summon a detenu in the court. As a point of law was involved Mr. Justice Mohammad Munir referred the petition to a Division Bench, which passed the order stated above.

### LIABILITY TO DETENTION

Referring to the arguments advanced by the Advocate-General that by summoning the detenu in the court the High Court would interfere with the order for detention passed by the Governor, Their Lordships observed: "When a detenu is brought before the court in compliance with an order under section 491 (1) (B) or (C) of the Code of Criminal Procedure, he remained in the custody of the authority that produces him in court, and his liability to be detained at the place from where he is brought is not affected.

"The order, therefore, under which he is detained is still operative and does not cease to have effect.

"Even in the case of ordinary prisoners, unless the Provincial Government issues a notification under section 42 of the Prisoners' Act, directing that any person or any class of persons shall not be summoned from the prison in which he or they may be confined, the Court possesses the power of recurring their attendance in court to give evidence. Though, after notification is made under section 42 of that Act, a prisoner may not be removed from the jail, his evidence may still be obtained on commission. In the case of such prisoners, therefore, there is no bar against their being required to appear in court or to give evidence on commission.

"Having held that the order requiring the detenu's production does not affect his liability to detention in the jail, we must also hold that there is no clash between an order under section 491 (c) Cr. P.C. requiring a person's production in court and an order under rule 26(1) of the Defence of India Rules ordering his detention at the jail."

Their Lordships continued: "At this stage we are not deciding the question whether the order of detention is illegal or whether it was made 'mala-fide'. What we have to see is whether we should accede to the request of the detenu to be present before us to make a statement or to explain the allegations made in the application or to answer any question that may be asked by the Court or the Crown. After considering the whole matter carefully we are of the opinion that this request of the detenu should be granted." Subsequently the Court held that the detention was not proved to be 'mala fide' and dismissed the petition.

## FINE OF RS. 1,000 QUASHED — MRS. NEHRU — SENTENCE REDUCED TO THAT ALREADY UNDERGONE

LAHORE, August 28.—The sentence of 3 months' rigorous imprisonment passed against Shrimati Rameshwari Nehru by Mr. D. C. Elliot, Magistrate, 1st Class, Lahore, was reduced to that already undergone by Mr. Justice Mohd. Munir in the Lahore High Court today.

His Lordship further quashed the fine of Rs. 1,000 which the Magistrate had imposed upon Mrs. Nehru in addition to the sentence of 3 months. The matter came up before Mr. Justice Mohd. Munir on an 'amicus curiae' petition on behalf of the High Court Bar Association. Mr. Nanak Chand Pandit and Khalifa Shuja-ud-Din, the two senior most members of the Bar, appeared on behalf of the Bar, Mr. Salim represented the Crown.

Mrs. Nehru was present in the court room.

Shrimati Rameshwari Nehru had been convicted by the Magistrate for the alleged infringement of a restrictive order passed against her under Rule 26 of the Defence of India Rules under which she was not allowed to participate in any meeting, etc., excepting a purely religious or social meeting. She attended a meeting of the Punjab Branch of the All-India Women's Conference over which she presided.

Dr. Khawja Shuja-ud-Din, after referring to the case and the evidence, said that at the most the offence was not more than a technical breach and the sentence passed was atrocious. A mere warning would have been enough.

Mr. Nanak Chand Pandit also supported Dr. Shuja-ud-Din, and referred to the evidence of the Inspector of Police, whom he had asked what the Police officer would do if some one disobeyed the order but in the meeting preached in favour of recruitment. The Inspector's reply was that he would report such an infringement also to his senior officers for whatever action they might like to take.

Mr. Justice Mohd. Munir observed that participation in the meeting, still remained a technical breach, but no sane man will take action on it.

Mr. Nanak Chand Pandit, however, submitted that the offence in the present case was not even technical.

Mr. Salim submitted that it was for the court to decide the question of sentence. A warning could not be given, however, as Section 526 did not apply.

The legality or otherwise of the order under Rule 26 was not questioned in view of the fact that the matter was already before the Federal Court.

His Lordship, while holding that it was a technical offence and there was nothing on record to show that the infringement was intentional, passed the above orders.—F.O.S.R.

## RELEASED BUT RE-ARRESTED

The re-arrest of Mr. Durga Das Khanna who was ordered to be released by a Full Bench of the Lahore High Court, even before he could come out of the Ferozepur jail where he had been confined under Rule 26, raises certain important issues which we need not shirk simply because the Executive in this country have familiarised us with such procedure. Mr. Khanna was ordered to be released by the Lahore High Court as the Full Bench, presided over by the Chief Justice, held that the Governor had not satisfied himself personally by looking into the papers that his detention was necessary. It is an ordinary principle of jurisprudence that no man can be tried for the same offence twice. Whatever offence Mr. Khanna might have committed previously or might have been suspected of, when the 'habeas corpus' petition presented on his behalf was accepted and his release ordered, that guilt must be considered to have been washed off. Rule 129 authorises any Police Officer to arrest without warrant "any person whom he reasonably suspects of having acted, of acting, or of being about to act. . . . etc. etc.," It is clear that in Mr. Khanna's case there can be no question of his acting or being about to act in a prejudicial manner as he was under detention until the very moment of re-arrest. As for having acted in such a manner, it is clear that apart from the original suspicion for which he was detained under Rule 26, he could not have been guilty of any other offence. The arrest, on the face of it, seems to be absolutely unjustified.

Another aspect of the matter is the flagrant defiance of the High Court by the Executive. The High Court had ordered Mr. Khanna's release. To arrest him under another Rule is no less a defiance of the order of the High Court than absolute refusal to do so. One of the worst aspects of the measures taken by the Executive in recent months to cope with the emergency created by the war and the Congress civil disobedience movement is utter disregard of the existence of the Judiciary and its orders. The Validating Ordinance is an example of how, even in the highest places, the remedy for an illegality is sought in repealing and indemnifying legislation and not in compliance with judicial verdicts. If the judgments, orders, and opinions of duly constituted courts of law are to be set at naught by the Executive by amending ordinances and re-arrests under other sections, how can the Judiciary preserve that authority and independence so essential for the administration of pure justice? British jurisprudence has always prided itself on the fact that in contrast with the practice on the continent, in Britain the Executive is as much amenable to the law as the ordinary citizen, the law applying to both being the same. But here in India it looks as though the Executive wants to set itself up above the law, above the Legislature and above the Judiciary. That is a position to which no Executive should be allowed to raise itself, least of all an Executive like ours which owns responsibility to no section of the people.

The Calcutta High Court judgment on Ordinance 19 of 1942 gave rise to a crop of petitions under the 'habeas corpus' as well as to substantive appeals in several Provinces. In Bihar one District Magistrate in disposing of bail application demanded cash deposit of Rs. 3,000 each from five appellants. The District Judge, however, considered it unreasonable

and reduced the security amount to Rs. 500 each and at the same time opined that it was open to the parties to offer immoveable property as such security. Of all forms of tyranny, that form is undoubtedly the worst which assumes the role of justice. When the security demanded is practically impossible the District Magistrate could claim no credit for having given relief to the aggrieved party or even offered it with any show of reasonable chance of its being availed.

The Chief Judge of Allahabad is an Indian and it is refreshing to see his righteous indignation against Executive arbitrariness in one case that came before him.

"The liberty of one of His Majesty's subjects is at stake and the papers are not before us. Tell the District Magistrate and the Superintendent of Police that every slip of paper connected with this case has to be before this court within one week.

"I shall not allow this sort of thing to be done, tell them they must send every bit of paper here," remarked the Chief Justice of the Allahabad High Court during the hearing of an application in the nature of habeas corpus under Section 491 of the Criminal Procedure Code filed on behalf of a student of the Benares University, Harish Chandra of Farrukhabad, who is now under detention under the Defence of India Rules.

The application came up for hearing before a full bench consisting of the Chief Justice, and Justices Verma and Yorke.

Sir Tej Bahadur Sapru appeared as "amicus curiae" in this case, the applicant being represented by Mr. B. S. Darbari.

The Government Advocate appeared for the Crown. After hearing Sir Tej Bahadur Sapru for sometime, their Lordships found that all the relevant and necessary papers in the case were not available and adjourned the case till April 15. The District Magistrate of Farrukhabad was asked to explain as to why he had refused the applications for certified copies of the orders passed on bail applications in the lower court.—A.P.

MANCHESTER, April 30.—The ruling that the D.I.R 26—under which Congress leaders were detained—was invalid and its subsequent amendments are discussed in a "Manchester Guardian" editorial today (Friday). The newspaper writes "There is one consoling feature in what is otherwise most unsatisfactory. That is, that in India we have courts (in each of these cases presided over by an Englishman) which are independent, impartial and ready to condemn the action of the Executive when it conflicts with their interpretation of the law. But the Executive does not come out well."

Declaring that the Indian Government is under an obligation to ensure that its acts are done according to the form of law that exists, the newspaper adds "Most of all does such an obligation bind a Government which is at odds with a large part of those it governs and is therefore liable to be suspected by them, even if unjustly, of the worst motives when it is found in error."

### AMPLIFICATION

The "Manchester Guardian" writes: "But the executive itself does not come out well. It would be a mistake to say that the issue is trivial, that it only concerns 'technicality' or that it is a mere matter of words. All law is a matter of words. The argument is that the Indian Government had powers to detain these 9,000 prisoners, that it had only to put these powers into right words but that unfortunately through carelessness it chose wrong words; now it will choose right words and what does it matter? It matters because the Indian Government is not an arbitrary despotic body but acts under the control of the Secretary of State for India who is responsible to the British Parliament for his actions and subject to the laws which it passes. From top to bottom the rule of law is supposed to prevail. It is true that some of the fundamental peace-time laws which safe-

guard the liberties of the subject are suspended in war and emergency rules may supersede habeas corpus for the day. But that does not in the least diminish the obligation on the Indian Government to ensure that its acts are done according to the forms of law that exist. Most of all does such obligation bind a Government which is at odds with a large part of those whom it governs and is, therefore, liable to be suspected by them, even if unjustly, of the worst motives when it is found in error."

### MOMENT FOR ACTION

Referring to the continuation of the political deadlock and Mr. Jinnah's latest pronouncement, the "Manchester Guardian" writes: "Since the prospect is so discouraging, this should be the moment for action. Government can hardly propose to leave things as they are until the end of the war. The first step should be to let the Indian leaders visit Mr. Gandhi in order to see whether there is any hint of progress there. The second should be to set to work a commission of those leaders as widely representative as possible in order that they may work in private at the outlines of an agreed self-governing Indian constitution."—Reuter.

### RULE 26, D.I.R.

Replying to Mr. A. N. Chattopadhyaya's question regarding the effect of the Federal Court's judgment on Defence of India Rule 26, the Home Member said: "The ruling disclosed a discrepancy between the wording of Rule 26 and the wording of the rule-making power in the Defence of India Act, as a result of which the Rule was held to be 'ultra vires' of the Act. But this did not mean that all persons detained under the Rule were to be automatically released. The technical flaw was corrected at once by a validating Ordinance, and it is only the Calcutta High Court that has held that ordinance itself to be invalid. An appeal against that ruling is now pending in the Federal Court and is due to be heard shortly. Meanwhile, I understand that as a result of 'habeas corpus' applications in the Calcutta High Court, certain security prisoners in that province have been released, some of whom had been re-arrested under Regulation III. But, I have no information as to the precise number involved; nor, of course, is there any question of similar releases or similar re-arrests in provinces outside the jurisdiction of the Calcutta High Court.

Another important issue arising from the interpellations in the Assembly relates to Rule 26 of D.I.R.

There is hardly any doubt that neither the Central Legislative Assembly nor the public were satisfied with Sir Reginald Maxwell's reply to Mr. Amarendra Nath Chattopadhyaya's question regarding the effect of the Federal Court's judgment on Rule 26 of the Defence of India Rules. The Home Member maintained that the declaration by the court that the Rule was 'ultra vires' of the Act did not mean that all persons detained under the Rule were to be automatically released.

### NO CARTE BLANCHE (NAGPUR HIGH COURT)

Remarking that even Defence Rule 26(f) did not give the Provincial Government a 'carte blanche' right of refusal and that it had to be satisfied in respect of each particular person, Mr. Justice Bose said: "This attempt to keep these applicants away from this Court under the guise of these Rules is an abuse of power and warrants intervention by this Court. In my opinion, the Provincial Government should be directed to permit interviews with legal advisers on such terms and subject to such conditions as it thinks desirable."

### SAFEGUARD AGAINST EXECUTIVE EXCESSES

Mr. Justice Bose also observed that "the applicants appear to have done no more than what many other responsible and respected persons, more powerfully placed and who are still at liberty, have done, namely, to protest against the detention of certain Congress leaders, that is to say,

they have endeavoured to do exactly what Lord Wright considered a natural and obvious thing if, in their view, they felt that there had been an abuse of power either generally or in a particular case and, indeed he considered it a residuary safeguard against executive excesses and abuse of power."

Concluding, Mr. Justice Bose held that the applicants had the right to obtain proper legal advice on all those very difficult questions raised above and that they should be permitted to place their case properly before the High Court after obtaining it.

Agreeing with this conclusion, Mr. Justice Pollock observed that "the detained persons can challenge the good faith of the Additional District Magistrate and under the Defence of India Act the burden of proof will be upon the persons detained to show that the Magistrate acted in bad faith and I think that, in practice, it is likely to be a formidable task."

Defence Rule 26(f) empowers the Provincial Government, "if it is satisfied with respect to any particular person that with a view to preventing him from any manner prejudicial to public order, it is necessary so to do", may make an order, "imposing upon him such restrictions as may be specified in the order in respect of his employment or business, in respect of his association or communication with other persons, and in respect of his activities in relation to the dissemination of news or propagation of opinion."

### SAFETY OF REALM NOT IN DANGER

Justice Bose also observed, "I am not concerned to see whether these persons are desirable or not. Law is no respector of persons and it is one of the tests of a belief—and, I may add, sincerity—to apply the principles to cases in which one has no sympathy at all. As I see it, this refusal to allow legal advice to detained persons is an abuse of power. I cannot believe that things have reached such a pass that the safety of the realm is likely to be endangered if these persons, notorious or otherwise, are allowed a little legal advice. Things cannot be as bad as that and yet that is the logical conclusion to which one is driven if this Section if relied on in justification of the order of refusal."

### ORDINANCE AMENDING DEFENCE RULE INVALID — CALCUTTA HIGH COURT RULING

CALCUTTA, June 4.—Mr. Justice Mitter, Mr. Justice Sen and Mr. Justice Khundkar, of the Calcutta High Court, who constituted the special bench hearing the 'habeas corpus' application on behalf of Niharendu Dutt Majumdar, M.L.A., and eight others who were under detention under Rule 26 of the Defence of India Rules, delivered separate judgments. Mr. Justice Mitter and Mr. Justice Sen held that the ordinance amending Rule 26 was 'ultra vires' and the detention of the applicants was improper. They directed their release forthwith, Mr. Justice Khundkar held their detention legal.

The court granted leave to standing counsel to appeal to the Federal Court.

All the seven persons released following the judgment by the special bench were re-arrested immediately under Regulation III of 1818 and removed to jail.

In the course of his judgment, Mr. Justice Mitter discussed the question whether the Governor-General had the power to repeal or amend an Act of the Central Indian Legislature.

His Lordship said both the Central Indian Legislature and the Governor-General exercised their functions under Section 72 and derived their authority and power to legislate from the same Act of Parliament. Both were competent to legislate on items of Lists 1 and 3 set out in the Act bearing upon peace and good government of British India. An Act of

Parliament did not give express powers to the Governor-General directly to repeal or amend an Act of the Central Indian Legislature.

His Lordship, therefore held that the Governor-General had no power to repeal directly and in express terms any Act of the Central Indian Legislature. The power to amend stood on the same principle, for whereas repeal meant destruction of the whole, amendment meant destruction of a part, followed, it might be, but not necessarily, by the creation of a substitute.

His Lordship accordingly held that Section 2 of the Ordinance 14 of 1943 was 'ultra vires' of the powers of the Governor-General.

**PARLIAMENT'S INTENTION**

Apart from the reasons stated, the Government of India gave indications that such a power was not intended by Parliament for the Governor-General in cases where either the Governor-General or the Governor was given power to make what in substance were laws either by ordinance or by regulations. Parliament had expressed itself in clear terms where it intended that they should have the power to repeal or amend an Act of the Legislature. A reference to Section 92(2), and 96, read with Section 95(3), of the Government of India Act supported the view His Lordship was taking. The last portion of Section 72 in the ninth schedule to the Act also indicated that where Parliament intended to confer such a power on a co-ordinate legislative body e.g., the Indian Legislature, it expressed itself in unambiguous manner.

To have the power of amending the Act of another legislative body which stood on the same level with itself that power was to be conferred expressly by the paramount legislature. The preamble of the Ordinance showed that its purpose was to amend the Defence of India Act, and the actual enactment was the amendment. In His Lordship's opinion this Ordinance could not stand independently. Without reference to Section 2(1) and 2(2) of the Defence of India Act and without incorporation of its provisions into the Ordinance, the provision of this Ordinance could have no meaning and effect, for nowhere in this Ordinance as it stood, by itself, the rule-making power had been conferred on the Central Government. Therefore the Ordinance could not be treated as an independent piece of legislation which the Governor-General could have made under Section 72.

His Lordship considered both Sections 2, and 3 of the Ordinance to be amendments of the Defence of India Act.

His Lordship, continuing, said that the act of detention of these nine persons was an executive act which depended upon the condition that the authority designated by Rule 26 was to be satisfied that the detention of a particular person was necessary for preventing him from doing acts of a prejudicial nature.

His Lordship said that Rule 26 required the provincial Government to make the order for detention on it being satisfied that the detention of a particular person was necessary. The power and duty could be delegated by the provincial Government to any other authority or officer not subordinate to the Central Government by making an order under Section 2 (5) of the Defence of India Act.

The word "provincial Government" had been defined in Section 3, clause 43(A) of the General Clauses Act as a Governor acting or not acting in his discretions or exercising or not exercising his individual judgment according to the provisions made in the Government of India Act 1935. The matter of detention in terms of Rule 26 came within the special responsibility of the Governor. The Governor was, therefore, required to exercise his individual judgment. A minister could tender his advice to him, but he was not bound to accept that advice. In this view of the matter the Governor must act himself unless he had delegated his power and duty to another by an order made under Section 2 (5) of the Defence of India Act.

In these circumstances and in the absence of delegation by an order passed by him, His Lordship did not see how Section 49 of the Government of India Act or general rules of business made under Section 59(3) of the Government of India Act could be invoked to sustain an order under Rule 26 made either by the Home Minister or the Secretary or the Additional Secretary to the Government of Bengal, when the Governor himself was not satisfied but either the Home Minister or the Secretary or the Additional Secretary was and they made the orders in the name of the Governor. In any view the Minister could not be regarded as an officer subordniate to the Governor.

## "ILLEGAL DETENTION"

For these reasons His Lordship held that the nine persons before the court had been illegally detained.

Mr. Justice Khundkar disagreed with the material points which had been found by Mr. Justice Mitter in favour of the petitioners. In His Lordship's opinion the power given to the Governor-General under Section 72 included the power to amend an Act of the Indian Legislature. The power to amend was inherent in the power to make laws and it was deemed unnecessary to give that power in express terms.

Further, His Lordship was satisfied that orders under Rule 26 were passed in these cases either by the Governor or the Home Minister or Mr. Porter, Additional Secretary to the Government of Bengal, and the order in each case expressed to be the order of the Governor and it was not open to anyone to say that this was not the order of the Governor. His Lordship was of the opinion that the rules obtained by the petitioners should be discharged.

Mr. Justice Sen, in his judgment, agreed with Mr. Justice Mitter in his decisions on the questions of law. His Lordship further held that even if the Ordinance was within the power of the Governor-General, the detention still remained illegal, as Rule 26 was not in existence when the detention order was made. His Lordship held that the order of detention was illegal and also improper, because the orders of detention were passed in violation of the safeguards, slender though they might be, contained in the rule.

At the conclusion of his judgment, Mr. Justice Sen observed: "It is not for us to criticise the wisdom or the propriety of the Defence of India Act, or the rules made thereunder. Our duty is to determine their validity, and if they are found valid, to administer them according to law. We realise that in times of emergency the Executive have to be given extraordinary powers, which may have the effect of keeping out to some extent judicial scrutiny of acts done by the Executive. But when through some unexpected crevice in the barriers of judicial action a cry against an illegal act does reach this court, it becomes our duty to be vigilant and to see that the liberty of none of His Majesty's subjects is touched except in strict compliance with the law, and neither the clouds of war nor the dust of political upheaval must be allowed to obscure our vision or blur that strict scrutiny which we must always bring to bear upon any action which savours of oppression or injustice.

"I am tempted to quote the observations of Lord Atkin (in the Nigeria case) which are very apt in this case: 'In accordance with British jurisprudence, no member of the Executive can interfere with the liberty or property of a British subject except on condition that he can support the legality of his action before a court of justice and it is the tradition of British justice that judges should not shrink from deciding such issues in the face of the Executive'."

Mr. Justice Sen concluded: "I would only add that this court shall always endeavour to maintain unimpaired the great tradition."

Mr. Biren Ganguly, a detenu under rule 26 of the Defence of India Rules, whose release was ordered by a Special Bench of the Calcutta

High Court in the case arising from the 'habeas corpus' applications, was brought to Calcutta on Friday from his place of detention. He was immediately released by the police, but re-arrested under Regulation III of 1818.

## "GOVERNMENT OF INDIA ACTED ILLEGALLY"

The "Amrita Bazaar Patrika" writes:—

The Section 2 of the Defence of India Act authorised Government to frame rules for detention of persons "reasonably suspected" of being of hostile origin or having acted, acting or about to act in a manner prejudicial to public safety. Rule 26, on the other hand, authorized the Central or the Provincial Government to detain a person, if they were "satisfied with respect to any particular person" that such action was necessary to prevent him from acting in a prejudicial manner. The divergence in the wording of the Act and the Rule is not merely verbal but extended the limited field over which rule-making powers were given to the Government by the legislature. Under the Act there must be "reasonable suspicion" that a person had acted, was acting or was about to act in a prejudicial manner before action could be taken against him. Under the Rule all that was necessary was for the Government to be satisfied that his detention was necessary to prevent him from acting in a prejudicial manner. The Rule authorised, the Government to detain a person, even though there might be no reasonable suspicion against him, provided they felt such action necessary to prevent him from acting in a prejudicial manner, or in other words, in disregard of the specific provision laid down in the Act.

When the Federal Court declared the Rule 'ultra vires', thousands of persons who were being detained by the Government under the authority given to them by the Rule were really illegally detained, as the Rule had ceased to exist. Not merely was their continued detention illegal but their arrest and their detention for long periods before the Federal Court's ruling, were equally illegal. Before the Federal Court's ruling, the Government had at least this defence, that they were acting 'bona fide' and that they did not know that what they were doing was illegal. No such defence was available after the Federal Court's judgment. Still the Government continued to keep these persons in detention illegally, until they could regularize the position by a subsequent Ordinance. Apart from the fact that there appears to be grave doubts to the legality of this subsequent Ordinance, the position till it was promulgated was that the Government of India had acted and were acting illegally, in violation of the law as enacted by themselves and interpreted by their own courts. As often as the present Government violate the law, the procedure was sought to be legalized by validating Ordinances issued by one individual. But is the difference much to shout about?

As regards the repeal of the Special Courts Ordinance which was also declared illegal by the courts, Sir Reginald Maxwell appears to be supremely satisfied with the present position. The repealing Ordinance gave opportunities to all persons convicted by the previous Ordinance to file appeals under the ordinary law but it maintained sentences passed on them, as though they were passed by duly-constituted courts of law. When the trials were declared illegal, how can sentences be made legal by the fiat of the Executive, without due process of law? The procedure amounted to mass convictions by the Executive, in utter defiance of all law and ignoring the very existence of the Judiciary. Among those convicted under the Special Courts Ordinance, we presume, there must be many who may not file appeals, either because they have not got the necessary finances or other facilities or because they have conscientious objection to take their cases before courts whose procedure is being reduced to a mockery by the all-powerful Executive. Are they doomed to serve out their terms on the authority of the sentence pronounced on them by the Executive without the duly constituted courts of law being given an opportunity to review their cases and pronounce their verdict? In Sir Reginald's view, retrial

of such cases may be unnecessary but from every other point of view, legal and moral, such trials are absolutely necessary. Where the Executive claims the right to defy the law with impunity, it places itself on the same level with others who defy the law and the result is the abrogation of the Rule of Law.

### ISSUES ARGUED IN FEDERAL COURT

NEW DELHI, August 25.—Whether Section 3 of the Validating Ordinance could stand alone, irrespective of validity or otherwise of Section 2, was the point argued before the Federal Court today by Mr. J. C. Gupta, appearing for a number of Bengal detenus.

Section 2 of the Ordinance substitutes a new clause for Clause 10 of Section 2 of the Defence of India Act with retrospective effect, and Section 3 validates orders made under the Defence of India Rule 26 prior to the promulgation of the Ordinance.

Mr. Gupta argued that Section 3 had no independent existence, and that it did not make any meaning without reference to Section 2. If Section 2 was declared invalid, Section 3 could not stand by itself; further, in that case the title and preamble of the Ordinance, became incomprehensible. He held that Section 3, which had been enacted "for the removal of doubts", proceeded on the assumption that Section 2 had been validly enacted, and that if, therefore, the latter was declared invalid, the former must also go.

Sir S. Varadachariar said that to him Section 3 seemed to be quite separated from the validity of Section 2. Sir Muhammad Zafrullah maintained that Section 3 could be enforced independently.

Earlier, Mr. Gupta concluded arguments on his contention that the Governor-General could not directly amend by removal, insertion, or substitution any act of the Indian legislature, but could repeal by repugnancy, suspend the operation of a part of the Act, or enact independent legislation or other contrary provisions.

### "ABUSE OF POWER"

Mr. Barkat Ali, appearing for Sardar Sardul Singh Caveeshar and Lala Shankarlal, contended first that the Ordinance validating Defence of India Rule 26 was an abuse or misuse of the powers given by the legislature to the Governor-General. He was aware, he said, of the Privy Council ruling that it was not for the courts to go behind the recital in the Ordinance that the emergency had arisen; but in this case there was not only the statement made in the judgment of the Lahore High Court, but the admission of the Advocate-General for India, that the emergency had arisen out of the Federal Court judgment. That notion of emergency, he declared, was a misuse or abuse of the powers of the Governor-General.

"It is an extraordinary doctrine," he asserted. "to urge that the judgment of the highest court in the land could be christened an emergency and an Ordinance passed to nullify and defeat that judgment.

"It is for your Lordships to consider whether you are going to allow the executive to take up the position that your pronouncement is seized upon as an emergency and the effect of that pronouncement washed away." Abuse, he submitted, had been held to be one form of excess, and the court could remedy that excess; courts had, in fact, found a way of meeting such a situation.

Mr. Barkat Ali quoted Mr. Justice Renfry for the statement that such a misuse would amount to a fraud upon the Act. He invited the court to hold the Ordinance 'ultra vires' on that ground alone. "The question," he said, "is a very important one; and today the position is that these Ordinances, far from being rare and being used for emergency, are becoming the normal mode of legislation in this country."

Mr. Barkat Ali also asked their Lordships to hold the Ordinance 'ultra vires' on the ground that the Governor-General had not been expressly given power to repeal, amend, suspend or even touch an Act of the normal legislature of the country. He did not accept the proposition that the power to enact carried with it necessarily the power to repeal or amend. The Governor-General had not the power to withdraw or amend his own Ordinances under Section 72 of the Government of India Act.

## SPECIAL POWERS OF VICEROY — HEARING BEFORE FEDERAL COURT

NEW DELHI, August 21.—Mr. N. P. Engineer, Advocate-General, Bombay, continuing his arguments before the Federal Court on Friday in the appeals involving the validity of the Ordinance validating Rule 26 of the Defence of India Rules, emphasised that the question whether an ordinance whose life was limited could effect a change in a permanent enactment did not arise in the case because the ordinance validating the Defence of India Rule 26 sought to amend a temporary rule under a temporary, wartime enactment.

Sir Srinivasa Varadachariar, intervening, declared that if the argument that the ordinance-making authority could change a legislative enactment was accepted then a distinction could not be made between a temporary and permanent enactment.

Mr. Engineer said he did not concede that a permanent act could not be amended by an ordinance.

On the definition of the term "Provincial Government", Mr. Engineer said it did not refer to the Governor personally. The power of delegation of authority to officers whom he might choose was given to the Governor.

The Chief Justice inquired what the authority was which had to be satisfied before an order under the Defence of India Rule was issued. Was it the Governor or the Provincial Government?

Sir Srinivasa Varadachariar observed that the distinction must be kept clear that the person who was to be satisfied and who was to make the order was different from the person in whose name the order was to run.

### TEXT OF ORDERS

With reference to the Chief Justice's question, the text of the orders issued by Provincial Governments was read out. Some of the orders stated that whereas the Provincial Government was satisfied that detention was necessary, that Government made the order of detention, while the order issued by the Madras Government, said that whereas the Provincial Government was satisfied, the Governor issued the order. Mr. Engineer contended that the power of detention was given to the Provincial Government and therefore, it was the Provincial Government which must be satisfied.

Dr. N. P. Asthana, Advocate-General United Provinces, speaking next, contended that the Governor-General making an ordinance was not a different legislature, but the Indian legislature functioning in one of its three different moods. The three moods were, first, the Governor-General acting with his two chambers, second, the Governor-General acting in spite of his two chambers, and third, the Governor-General making ordinances. All this was one legislature.

Sir Srinivasa: If the Governor-General and the legislature are one, then the legislature and the Governor-General are also one, is it not? If the Governor-General, by his ordinance-making power, could sweep away an act of the legislature then the legislature must be similarly entitled to sweep away an ordinance. But in actual fact, even before a bill is introduced in the legislature, the Governor-General's sanction is required. Is that not the clearest indication that they are two different bodies?

## INDIAN LEGISLATURE

Dr. Asthana replied that he did not say that both were identical or that they were parallel co-ordinate bodies, but that they were one body, namely, the Indian legislature. When making ordinances or repealing acts, the Governor-General was functioning as the Indian legislature, said Dr. Asthana.

Mr. M. Sleem, the Punjab Advocate-General, observed that if it was accepted that the legislature could repeal or amend and the Governor-General by Ordinance could not, it would conflict with the 9th Schedule's assertion that an ordinance would have "the like force of law".

Sir B. L. Mitter, the Advocate-General of India, asserted that the power to repeal or amend the existing law is implicit in the word "emergency". He cited previous instances of ordinances repealing or amending existing laws. He however, differed from the U. P. Advocate-General that there were two legislative organs in the country—the Governor-General and the legislature.

The Governor-General's ordinance had in the past been introduced with respective effect and he pointed out instances in which Finance Bills were certified with retrospective effect.

## BLIND ADVOCATE'S PLEA

Guiding himself with his fingers on notes he had taken down in 'Braille', Mr. Sadhan Gupta, the blind advocate from Bengal, in his first appearance before the Federal Court on Saturday argued the case for Shibnath Bannerji and Protul Ganguli, two detenus under Defence of India Rule 26.

He contended, firstly, that the orders of detention were invalid, secondly, that Rule 26 was non-existent in the eye of the law; thirdly, that sections 2 and 3 of the validating ordinance were not enforceable together, nor was section 3 independently enforceable; fourthly that paragraph 10 of section two of subrule 2 of the Defence of India Act, whether before or after the amendment of Rule 26 (which was based on that paragraph) was 'ultra vires' of the legislative powers conferred on the Government of India: and lastly, that the validating ordinance was 'ultra vires' as a whole.

Mr. Gupta said he could understnd the contention that the court could not examine whether a provincial government had any reason to be satisfied that an order of detention was necessary, but he could not understand the argument that the court was precluded from enquiring whether the fact of satisfaction was present before the order was made. It was clear under Rule 26 that without satisfaction detention was out of the question.

## PATNA APPEALS

Two appeals were filed today in the Federal Court against the judgment of the Patna High Court holding 'intra vires' Ordinance 19 of 1943, which repealed the Special Criminal Courts and validated the sentences and convictions already passed by those courts. The appeals are on behalf of four persons who were sentenced to death by the Special Criminal Courts.

## PARAMOUNTCY OF LEGISLATURE — FEDERAL COURT ARGUMENTS

NEW DELHI, August 28.—Resuming his arguments in the Federal Court today, Sir Alladi Krishnaswamy Ayyar, Advocate-General Madras, said that the theory of paramountcy for the Indian Legislature, advanced by Malik Barkat Ali, broke at every step.

Sir Alladi reasserted that the Governor-General's Ordinance-making power was plenary and there was no doubt about that. He repudiated that the authorities, quoted by Malik Barkat Ali in support of the latter's argu-

ment that "What you cannot do directly you cannot do indirectly or in a round-about way," applied at all in the present case and that they had any relevancy at all. He also dismissed the argument that the expression "from the date of promulgation" negatived any suggestion of retrospectivity. He said the expression did not mean "From the date the Ordinance came out."

It meant the date "From which the Ordinance came into effect." Further, he contended, it was plain that an emergency might necessitate as much retrospective and retro-active legislation, as a prospective one. Parliament was not bound to this. If a body was clothed with legislative power, it could enact retrospectively as well as retro-actively.

Sir Ailadi, continuing, said, it was conceivable that without the power to pass a retrospective legislation, the Ordinance-making power itself might be rendered nugatory. For instance, a conspiracy might have been hatched before an emergency occurred and it would then be contended that the Governor-General could not punish the people responsible for hatching that conspiracy before the emergency, though the emergency might have assumed a particular proportion occasioning the passing of the Ordinance later. He entirely disagreed with the distinction drawn by the opposition that the Governor-General had no power to enact retrospective and retro-active Ordinances.

## POWER TO REPEAL

Dr. N. P. Asthana, Advocate-General of U.P. said that under Section 80-A, Government of India Act of 1915-19, no power had been given expressly to the local legislature to repeal its own Acts. Therefore, the argument of the other side that the power to make laws did not include the power to repeal or amend, could not prevail, otherwise the local legislature would not be competent to repeal its own Acts.

Mr. M. Saleem, Advocate-General of the Punjab, said that the Government of India Act had given absolute power to the Legislature to make its own laws. The power was there unless expressly prohibited. Therefore, in order to limit the power of the Governor-General, express words prohibiting repeal were necessary.

The Advocate-General contended that during the period of emergency it was conceded that the Governor-General was the sole judge. You could not qualify it by saying or knowing what the emergency was or raise the question whether there was an emergency or not.

Mr. S. M. Bose, Advocate-General, Bengal, after giving the definition of "Provincial Government" as the Governor acting as the executive authority with the aid and advice of his ministers and through his subordinates, said if an order of detention under D.I.R. 26, was issued in the name of the Governor, it was valid. In the case of Bengal, the question of placing the papers before the Governor arose only in cases where there was disagreement between the minister and the police and, until then, these matters were not created as his special responsibility. The adequacy of the "satisfaction", he said was a matter which was clearly outside the purview of the courts.

## RETRO-ACTIVE ACTION

Sir Brojendra Lal Mitter, Advocate-General, India, dealing with the necessity of retro-active action by the Governor-General, said that one could conceive various instances in which an 'expose facto' action had to be taken. He cited the examples of secret transmitters or of thefts during air raids, against which the Governor-General might provide retro-actively, declaring the owners of all transmitters or air raid thieves on a certain date a year or two ago, special offenders. He said if a past defect was to be rectified after its discovery, 'expose facto' legislation was necessary. He maintained that Section 3 of the Ordinance provided for rectification of a defect which was discovered not at the time when the Defence of India Act was made, but later.

Proceeding, Sir Brojendra said the Governor-General was to provide for the emergency and what steps he took, whether they were in excess of the actual requirements or inadequate to meet them, they were not to be questioned. They could not go into the quantum of remedy decided by him or its nature. He contended that no limitation was placed on 'expose facto' legislation in India and in the absence of limitations the law-making authority could exercise the fullest powers, and interpreted in that light, the action of the Governor-General under Section 72 of the Ninth Schedule was perfectly justified.

Malik Barkat Ali referred to the argument of the Madras Advocate-General that the mention of words "like force of law" in the Ordinance-making power meant that the Ordinances were in fact laws. He said they were quasi-laws, and it further supported his arguments about the paramountcy of the Indian Legislature.

Dealing with retro-activity, he said, if the most prejudicial activities ended at a certain time, there was the end of the matter, and if they continued an Ordinance could sit upon them. But he was at a loss to understand that where those activities had ceased, they could still be seized upon by an Ordinance. The expression for the "removal of doubts" occurring in section 3, convincingly proved that Sections 2 and 3 were interlaced and if the one went, the other went also. He concluded by saying that the Governor-General could have provided for indemnity, but he could not validate an Act of the Indian Legislature, which the Indian Legislature alone was capable of doing.

Judgment will be delivered on Tuesday.—A.P.

## MR. DURGA DASS TO BE RELEASED — PETITION ACCEPTED — HIGH COURT HOLDS DETENTION ORDER IMPROPER

LAHORE, November 5.—A Full Bench of the Lahore High Court, consisting of the Chief Justice Blacker and Mr. Justice Munir, delivered judgment on Friday accepted the 'habeas corpus' petition on behalf of Mr. Durga Dass Khanna, an Advocate of the Lahore High Court, who had been detained under Rule 26, Defence of India Rules.

Their Lordships held that the order for the detention of Mr. Durga Dass Khanna was not proper inasmuch as it was not proved that the Governor of the Punjab had considered the case personally.

Their Lordships, therefore, directed that Mr. Durga Dass Khanna be set at liberty.

Mr. Sarv Mitter Sikri represented the petitioner while Mr. Saleem, Advocate-General appeared for the Crown.—F.O.O.C.

## JUDGE'S STRICTURES ON BIHAR EXECUTIVE — ORDER PASSED 'IN ARBITRARY AND CAPRICIOUS MANNER'

PATNA, January 13.—In disposing of a batch of 'habeas corpus' applications filed on behalf of Kamla Kant Azad, Phulan Prasad Varma, Singeshwar Prasad and others, Mr. Justice Shearer of the Patna High Court sitting with Mr. Justice Varma passed severe strictures in his judgment on the executive in this province.

Pointing out that some of the petitioners had been detained under Rule 129 of the Defence of India Rules for more than two months before orders were passed for their further detention under Rule 26, his Lordship said that their detention had already, for some time at least, and in two cases, for a very appreciable length of time, been illegal.

"Now the power to arrest and detain on mere suspicion, which has been conferred on the executive", his Lordship commented, "is not intended to be exercised in this arbitrary and capricious manner." His Lordship observed that it was incumbent on it to see that enquiries were completed and a final decision taken within two months.

His Lordship went on: "If the Superintendent of the Jail in which the person arrested is detained, does not receive any order from the Provincial Government within 15 days or within two months as the case may be, he is bound to release him. These provisions in the rule are intended to protect the individual against the caprice or malice of the subordinates and the carelessness or neglect of the higher officials. Whenever a person is detained, a number of officials at once or within a very short space of time owes a duty to him. What is to be said when each of the officials neglects that duty, when a man is thrown into jail and remains there for months on end without any kind of valid warrant or order until eventually and perhaps only, when this court demands to know why he is detained, and order under Rule 26 is made against him. Is it not that the order is a mere cloak or device to cover up something illegal that has already been done that the recital in it is a mere sham?"

## RISK WORTH TAKING

His Lordship further observed that when the orders for detention against these men were, 'the provincial Government must have or ought to have realized that they had already been unlawfully detained for very appreciable periods. Was not that the reasonable order to take to order their release and to ascertain and take suitable action against those who had been responsible for their unlawful detention? Was it not highly unreasonable, by a single stroke of pen, at once to deprive them of any remedy for the injury they had undoubtedly suffered and to authorise their further detention for an indefinite period? Two of them are pleaders in active service and can scarcely be very dangerous characters. But even if their being at large was a course of far greater danger to the state than it would conceivably appear to be, was it not worthwhile taking the risk? Against whatever risk had to be run, there would have been set as a more than adequate counterpoise this, that the ordinary citizen had in some degree been reassured that if the executives had been given power to frame a multitude of regulations encroaching in a variety of ways on his ordinary rights, the executive at least recognised an obligation to obey the code which it itself had framed.'

## M.L.A. ORDERED TO BE RELEASED — HIGH COURT DECISION

Mr. K. G. Gokhale, a member of the Bombay Legislative Assembly and a pleader of Belgaum, was ordered on a 'habeas corpus' petition, to be released immediately, on Friday, by a judgment of a Full Bench of the Bombay High Court, consisting of the Chief Justice, Sir Leonard Stone, Mr. Justice Kania, Mr. Justice Wadia, Mr. Justice Divatia and Mr. Justice Chagla.

Mr. Gokhale was arrested on August 9, 1942 at Nippani, near Belgaum, under Rule 129 of the Defence of India Rules. On the same day he was detained by an order passed by the District Magistrate of Belgaum, Mr. C. N. Millard, purporting to have been made under Rule 26 of the D.I.R.

Mr. Gokhale then applied to the High Court on a 'habeas corpus' petition under Section 491 of the Criminal Procedure Code praying that his detention in pursuance of the District Magistrate's order be declared illegal and that necessary orders be passed by the High Court.

Mr. Gokhale was produced before their Lordships in pursuance of the Court's order.

Delivering the judgment of the Court, the Chief Justice observed that every person under detention had a right to know the terms of the order under which he was detained, and that the delay in furnishing the petitioner with a copy thereof remained unexplained and was regrettable.

## TERMS OF ORDER

The Court then referred to the terms of the order which consisted of a cyclostyled form on which the name of the petitioner alone was typed, although the body of the order referred to several persons.

The Court, therefore, held that the document as signed was inappropriate to the case of a single person and the reasons contained in it were merely copied from Rule 26(1) of the D.I.R. 'Ex-facie', in the Court's judgment the document raised the inference that it was signed as a matter of mechanical routine and it was not possible to believe that Mr. Millard appreciate the necessity for applying his mind to the document; since if he had done so, he could not have failed to correct its manifest inappropriateness.

The Court further observed, "It is impossible to believe that in signing this document he (Mr. Millard) appreciated the nature, the extent and the implications of the grave and onerous powers and duties delegated to him by Government for the purpose of curtailing by preventive detention the liberty of His Majesty's subjects without trial or process of the courts. The fact that there may have been serious disturbances may have been anticipated, and that Mr. Millard signed many such documents on the same day, can hardly be craved in aid as an explanation."

## FEDERAL COURT'S JUDGMENT

Referring to the judgment of the Federal Court in Keshav Talpade's case, in which Rule 26 was held to be 'ultra vires', the Court said that the principle to be deducted from it was clear, namely, that if on a perusal of the order of detention it became clear that the detaining authority did not apply its mind, as required by Rule 26, the order must be held to be invalid.

In the opinion of the Court all the circumstances in the present case showed that Mr. Millard did not exercise any executive discretion or make a quasi-judicial consideration of the facts pertinent to Mr. Gokhale's case as demanded from a person authorised to deal with the matter, and therefore the order was a nullity.

In view of the decision of the Federal Court in Talpade's case holding Rule 26 to be 'ultra vires' the Governor-General issued two Ordinances (XIV of 1943 and III of 1944) to cure the defect. Section 6 of Ordinance of 1944 validated previous orders under Rule 26, and section 10 provided that no order passed under section 6 should be called in question in any court and no court should have power to make any order under section 491 of the Criminal Procedure Code ('habeas corpus').

## VALIDITY OF ORDINANCE

Their Lordships desired to make it plain that they decided nothing with regard to the validity or invalidity of the Ordinance of 1944. In their opinion, section 6 of the 1944 Ordinance did not validate a document which was not an order at all, even though it bore the signature of a duly authorised officer inasmuch as that officer never applied his mind to it.

In the Court's opinion, if it could be shown that the order was invalid on a ground other than the invalidity of Rule 26, section 6 of the Ordinance of 1944 did not apply and could not validate such an order. Consequently section 10 of the Ordinance did not apply to the case inasmuch as the order did not fall within any of the categories mentioned in that section.

In the result, their Lordships held that no order under Rule 26 of the D.I.R. had ever been made in the case of Mr. Gokhale and that at any rate from the expiration of the period of 15 days from his arrest under Rule 129, his detention had been unlawful.

In these circumstances it was the clear duty of the Court to order his immediate release from custody; and their Lordships made that order.

Their Lordships rejected the Advocate-General's application for a certificate for leave to appeal to the Federal Court, as, in their opinion, the case did not involve any substantial question as to the interpretation of the Government of India Act.

Mr. R. A. Jahagirdar, with Mr. R. G. Kale and Mr. D. M. Athavle, appeared for the petitioner. Mr. N. P Engineer, Advocate-General, with Mr. B. G. Rao, Government Pleader, appeared for the Crown.

**INTERVIEWS WITH DETENUS — JUDGE CRITICISES RESTRICTIONS**

NAGPUR, March 27.—Observing that interviews through the grille by political prisoners with their counsels are "very unnecessary and needlessly irritating", Mr. Justice Vivian Bose, at the Nagpur High Court today, in his judgment in a "habeas corpus" application, held that the High Court had no power to interfere, and that he was unable to say that the Executive Government had no power to advise its superintendents as to how they should act.

Mr. Justice Pollock agreed with this judgment.

Mr. Justice Bose observed: "Speaking for myself, I confess that the grille seems to be very unnecessary and needlessly irritating, I can well understand the need for precaution, but one would have thought that if an interview is to be allowed at all, it might be permitted without needlessly galling restrictions, just as they are in the case of condemned prisoners and of security prisoners who do not belong to the Congress. Any counsel who can be trusted to have an interview at all, can, I should have thought, be trusted to have it without the grille. This wholesale discrimination against Congress detenus alone, savours of vindictiveness and spite.

**DISCRIMINATION POSSIBLE**

"After all the vast majority of security prisoners are there only because of the views they hold or because of the views they are suspected to hold, for they are not brought to trial. There are among them upright men of the utmost integrity and honour, and it ought not, in my opinion, be difficult to discriminate between those who are unlikely to make plans for escape and those against whom reasonable suspicion can be entertained. Some have been our rulers—men considered fit by the constitution to govern us. Some will be our rulers—to whom all in this land, British and Indian alike, will be expected to pay homage.

"My interpretation of the law is that the authorities are enjoined by the legislatures and by order to cause as little inconvenience as possible, and to give as little cause for offences as possible. Unfortunately, however, I am of the opinion that I have no power to interfere. I am unable to say that the Executive Government have no right of power to advise their superintendents as to how they should act, and if the superintendents choose to follow that advice, it is possible to conclude judicially on those bare facts that discretion has not in fact been exercised. It is not as if those superintendents were courts of justice with whom it would be improper and a contempt of court to interfere."

**DETENTION ORDER HELD INVALID — PATNA JUDGMENT —NINE OUT OF TWENTY-THREE PETITIONERS RELEASED**

PATNA, January 11.—Justices Varma and Shearer of the Patna High Court gave a concurring judgment on Monday in 23 'habeas corpus' applications made by or on behalf of 23 persons detained in jails under Rule 26(1) (B) of the Defence of India Rules.

The petitioners prayed that they be released from custody.

The petitioners were produced in court except one. Their Lordships released nine out of 23 petitioners.

Their Lordships held the view that the order under Rule 26 D.I.R. to be valid must be based upon reasonable satisfaction of the authority entitled to pass that order and that the High Court could go beside that order if on materials it were in a position to say there was no reasonable grounds for the order or that the order was not 'bona fide' or that it was a sham order.

Their Lordships further observed they could not compel the Crown to disclose grounds whereon the orders were made. But in law, Their Lordships said, the power to order detention of a man under Rule 26 D.I.R. was not arbitrary power inasmuch as there were limitations imposed on the ordering authority before passing such an order and the High Court was bound to satisfy itself that the limitations had not been exceeded.

On these considerations Their Lordships, on the examination of individual cases, directed that Rules be made absolute in the nine of 23 cases and that the petitioners Singheswarprasad, Rajeswarprasad, Hariram Gurgutia, Nageshwarprasad Singh, Jogendraprasad Singh, Jagdisprasad Santalia, Kumarjha Jogeshwarsingh be released from custody and in remaining fourteen cases Their Lordships ordered that in the present state of law no case had been made out for interference by the High Court.—U.P.

### APPEALS AGAINST ORDINANCE — FEDERAL COURT HEARING

NEW DELHI, August 17.—Seventeen appeals involving questions about the validity of the Ordinance validating the Defence of India Rule 26 were heard together by the Federal Court, which broke its recess for the purpose. The appeals were from judgments of different High Courts which have given different rulings on the validity of the Ordinance. The Advocates General from Bengal, Madras, Bombay, U.P. and the Punjab appeared for their respective Governments, supported by the Advocate-General for India.

Commencing arguments, Mr. S. M. Bose, Advocate-General, Bengal, said the first question that arose was whether the Governor-General had power under section 72 of the ninth schedule to enact the validating Ordinance. The contention had been put forward that he had power to enact such a law but no power to amend or repeal an existing Act. He submitted that under that particular section, although the words "repeal or amend" did not occur, the powers of the Governor-General were unrestricted and were absolute and without restraint. The Governor-General's legislation was not a temporary measure; indeed, it had the same force and effect as an Act passed by the legislature. The Legislature and the Governor-General had co-extensive powers. Just as the legislature had power and authority to amend or repeal any of the existing laws, the Governor-General also had the same power.

As regards the question why the Governor-General did not issue a complete Ordinance, the Advocate-General contended that one way of doing the thing was to have a complete regulation or to repeal and amend by an Ordinance an existing legislation. Further, he said, it had been contended that the Ordinance was repugnant to a law of the legislature. He maintained that if the legislature could amend or repeal it, the Governor-General could also do so.

Justice Sir S. Varadachari said nobody denied that the Ordinance couid do what an act of the legislature could do, so far as the field was concerned and there was also no quarrel that the Indian Legislature could repeal or amend its own legislation, but he wanted to know if the Governor-General could do it. Further, he wanted to know if an amendment could be made to have retrospective effect.

### NEW EMERGENCY CREATED

In the course of arguments on the point whether an Ordinance could have the effect of repealing a pre-existing law and giving the provisions of the Ordinance itself retrospective effect, Justice Sir Muhammad Zafrullah Khan remarked that the effect of the Ordinance in the present case appeared to be to repeal the Federal Court's judgment. (Laughter).

### JUSTIFIED IN ESCAPING FROM POLICE CUSTODY — P. M. ACQUITS MAN ARRESTED UNDER D.I.R.

BOMBAY, Tuesday.—Found not guilty of escaping from the lawful custody of the police, Beharilal Purshotam Shah (36) was acquitted by Mr. Kantilal Thakore, Presidency Magistrate, Girgaum Court, today.

The accused was arrested under Rule 26 of the Defence of India Rules. He escaped from the police custody at the Victoria Terminus while being taken to the Nasik Central Jail by the Peshawar Express.

In acquitting the accused the Magistrate observed that Rule 26 under which the accused was arrested was pronounced to be 'ultra vires' by the Federal Court at the time of his escape, and the accused was, therefore, justified in escaping from the police custody in the absence of such rule.

## POLICE OFFICER'S APPEAL

The hearing was resumed on Thursday before a special bench of the Calcutta High Court, consisting of the Chief Justice, Mr. Justice Khundkar and Mr. Justice Lodge, of the rule obtained by Mr. R. C. Pollard, Superintendent of Police, Berhampore (reported previously in "The Statesman").

The Chief Justice directed the Government to produce before the Court the originals of the letters that passed between the District Magistrate, Berhampore, the Sub-Divisional magistrate, Lalbag, and the Sadar Subdivisional Magistrate, Berhampore, in connection with the Jiagang rice looting case.

The Chief Justice inquired if Mr. Pollard had been offered legal assistance by Government in this case. The Standing Counsel (Mr. J. N. Majumdar) said he did not know but would inquire. Mr. Justice Lodge observed that there was a rule that if a Government servant did any act in his official capacity for which he was prosecuted, the Government would defend him.

Mr. Carden Noad, for the petitioner, said that Mr. Pollard had been offered legal assistance by Government. In fact, he was told that if he wanted, the Public Prosecutor would be instructed to defend him. For some reason, however, Mr. Pollard declined any such assistance.

On the Chief Justice inquiring as to how the trial magistrate was to discover that the act complained of had been done by a public servant in the discharge of his official duty, Mr. Carden Noad said that there were various ways of finding that out. If, from the facts disclosed, it appeared that the act was done by the accused, while acting in his official capacity, the magistrate should drop proceedings, holding that he had no jurisdiction, if Government sanction for the prosecution had not been obtained. The facts of the complaint in this case were sufficient to show that Mr. Pollard had been acting in his official capacity.

On the Chief Justice inquiring if it was the duty of the Superintendent of Police to eject the complaint from the compound when his subordinate officers were there to do such work, if necessary, Mr. Carden Noad said that Mr. Pollard had brought the arrested men to the compound of his house where they were in custody for interrogation. The complainant was asked by a constable to go away but would not do so and stones were thrown by the hostile crowd outside. It was then that Mr. Pollard intervened.

The Chief Justice observed that it appeared that all the relevant facts in the case were not placed before the court.

Mr. Suresh Chandra Taluqdar, for the complainant, said that Mr. Pollard had no right to fist and kick his client. He had been told that the complainant was a pleader, a relative of one of the arrested boys, and what his mission was.

Mr. Justice Lodge observed that, apart from anything else, it could not be said that Mr. Pollard was wreaking any private vengeance of his own or that he had any grievance against the complainant. He might have regarded the complainant's action as impeding his duty as the superintendent of police. He was not doing anything for his own ends.

Mr. Taluqdar said that Mr. Pollard was found by both courts to be impulsive and of violent temper. Such a display did not come within the ambit of public duty. It was clear that Section 197 Cr. P. C. could not be in-

voked in a case of this description. The test in interpreting Section 197 Cr. P. C. was whether the act complained of pertained to the official character of the man. If that were so, sanction of the local government must be obtained. If, however, it was a wanton act, not pertaining to the official character of the man, then any aggrieved person might bring a case. If Mr. Pollard could show that assaulting a man was part of a SP's duty, then Section 197 could be invoked; otherwise not. In this case the facts were clear and, Mr. Taluqdar submitted, no sanction was necessary.

On the question of bias and prejudice Mr. Taluqdar said that there was no reasonable basis to hold that the trial magistrate was biased against the accused. This magistrate dismissed the petition of complaint in the beginning holding that sanction was necessary under Section 197 Cr. P. C. Further, the correspondence (in the Jiagang rice looting case) was inadmissible and irrelevant. Therefore it could not be said that the action of the magistrate was such that he was biased against the accused. Then on the application of the complainant the sessions judge of Murshidabad directed a further inquiry into the matter after hearing the Government Pleader on behalf of the accused; the Government Pleader was asked by the Court to appear as "amicus curiae" as the accused was unrepresented. Then the case went back to the trial magistrate for further inquiry. It was not suggested that evidence was not recorded properly in the case. The facts and circumstances of the case would go to show that there was no reasonable basis to hold that the trial court was prejudiced.

The hearing had not concluded when the court rose.

## DISMISSED "HABEAS CORPUS" PETITIONS — FEDERAL COURT APPEAL

NEW DELHI, May 23.—The Federal Court today unanimously allowed the appeals of four Bihar detenus against orders passed by the Patna High Court dismissing 'habeas corpus' petitions filed by them or on their behalf. Their Lordships directed that the cases be remitted to the Patna High Court with a direction that the petitions be restored to the file and disposed of in due course of law, in the light of the decision of the Federal Court as to the nature and extent of the court's power in the matter.

The detenus concerned are Basant Chandra Ghose, Mahant Dhanraj Puri, Asoke Kumar Bose and Baidya Nath Rai.

Their Lordships referred to the argument on behalf of the Crown before the Patna High Court that Ordinance III of 1944, which had been promulgated during the pendency of some of the petitions, had taken away the power of the Court to pass any order under Section 491 of the Criminal Procedure Code in these cases. The High Court upheld the objection raised on behalf of the Crown.

Their Lordships of the Federal Court held: "The Court is and will be still at liberty to investigate whether an order purporting to have been made under Rule 26 and now deemed to be made under Ordinance III, or a new order purporting to be made under Ordinance III, was in fact validly made, in exactly the same way as immediately before the promulgation of the ordinance. If on consideration the Court comes to the conclusion that it was not validly made on any of the grounds indicated in any of the long line of decisions in England and this country on the subject, other than the ground that Rule 26 was 'ultra vires.' Section 10 of Ordinance III will no more prevent it from so finding than Section 16 of the Defence of India Act did.

"Such an invalid order, though purporting to be an order, will not in fact be an order made under this ordinance, or having effect by virtue of Section 6 as if made under this ordinance at all for the purposes of Section 10.

"We are accordingly of the opinion that the learned Judges who pronounced the main judgment erred in holding that the new ordinance has

taken away the power of the High Court to pass any orders under Section 491 of the Criminal Procedure Code, and that the proceedings must be treated as discharged under the provisions of Section 10 (2) of the ordinance.

"The judgments in the other two cases purport to follow this judgment. There are observations in some of the judgments bearing upon what may be called the merits of the case. But it is difficult to say that the treatment of that aspect of the case is not likely to have been affected by the view which the learned Judges took as to the deprivation of the ordinance of the power of the Court to pass any order under Section 491 of the Criminal Procedure Code."

The Federal Court therefore allowed all the four appeals and set aside the orders of dismissal passed by the Patna High Court.—A. P.

## RIGHT OF HABEAS CORPUS

By allowing the appeals of four Bihar detenus against the orders passed by the Patna High Court dismissing the 'habeas corpus' petitions filed by them or on their behalf, the Federal Court has once again shown its desire to safeguard the liberty of the citizen, when this liberty is encroached upon by the Executive. It may be remembered that Ordinance III of 1944 not merely validated all the orders passed by the Executive under Rule 26 of the Defence of India Rules, which the Federal Court had held to be 'ultra vires', but also excluded orders passed under Rule 26 or Ordinance III from the jurisdiction of the courts under Section 491 of the Criminal Procedure Code. Sub-section (2) of Section 10 of the Ordinance provided that where 'habeas corpus' proceedings were pending in courts on the score of the order being invalid, they should be discharged. When the Ordinance was promulgated the 'habeas corpus' petitions of these four detenus were pending before the Patna High Court. On behalf of the Crown it was argued before the High Court that Ordinance III had taken away the power of the High Court to pass orders under Section 491 of the Criminal Procedure Code. The High Court upheld the objection and the appeals were filed against this order.

The Federal Court, in accepting the appeal and remitting the cases to the High Court to be dealt with according to the law, in the light of the decision of the Federal Court, made some observations whose importance is obvious. Their Lordships pointed out that in spite of the promulgation of the Ordinance, the court was at liberty to investigate whether an order purporting to have been made under Rule 26 or Ordinance III was, in fact, validly made, in exactly the same way as before the promulgation of the Ordinance. The Federal Court added: "If on consideration, the court comes to the conclusion that it was not validly made on any of the grounds indicated in any of the long line of decisions in England and this country on the subject, other than the ground that Rule 26 was 'ultra vires', Section 10 of the Ordinance will no more prevent it from so finding than Section 16 of the Defence of India Act did. Such an invalid order, though purporting to be an order, will not in fact be an order under this Ordinance at all....." Their Lordships finally held that the Patna High Court erred in holding that the new Ordinance had taken away the power of the High Court to pass any order under Section 491 of the Criminal Procedure Code and that the proceedings must be treated as discharged.

The effect of the judgment is to nullify the attempt of the Executive to prevent 'habeas corpus' proceedings being started in cases of detentions under Rule 26 or Ordinance III. The Federal Court has held that Section 10 of the Ordinance has not ousted the power of the High Court under Section 491 of the Criminal Procedure Code. The result of the judgment is that 'habeas corpus' proceedings are still possible in cases of detentions under Rule 26 or Ordinance III, in spite of sub-section 10 of the Ordinance denying the jurisdiction of the court under Section 491 of

the Criminal Procedure Code. Every time the Executive tries to exclude certain orders from the jurisdiction of the courts, the Judiciary has taken the stand that whenever the validity of an order is challenged, it is for the courts, and no one else, to say whether, in law, the order is a valid one or not. Even where there is legislation on the statute book excluding certain orders from the jurisdiction of the courts, when such orders are challenged, it is for the courts to say whether the grounds on which the orders are challenged are tenable or not. Where there are provisions denying the jurisdiction of the courts, the denial can apply only to valid orders and not to invalid orders which, because of their invalidly, cannot claim the protection of the special provisions. The worst of Ordinance III of 1944 was that it tried to deprive detenus of the right to challenge orders under Section 491 of the Criminal Procedure Code. We are glad that the Federal Court has held that in spite of the Ordinance the right continues to exist and where petitions are presented, High Courts can continue to investigate them in the same way as before the Ordinance was promulgated. The judgment may add to the chagrin of Beaumonts and the bureaucracy but the citizen has reason to be satisfied that the Federal Court is there to safeguard his liberties, from the illegal encroachments of the Executive.

### TWICE RELEASED BUT RE-ARRESTED — 'HABEAS CORPUS' PETITION —DETENTION HELD LEGAL BY HIGH COURT

PATNA, Friday, July 21.—A 'habeas corpus' application on behalf of Jadunandan Jha was decided by Mr. Justice Beevor at the Patna High Court.

The petitioner Jadunandan Jha was arrested during the last political disturbances in the district of Bhagalpore and a number of criminal cases, arising out of his alleged participation in the said disturbances, were instituted against him. He was acquitted in several cases and in one case he was convicted, and sentenced to undergo six years' R.I. Two other cases were still pending against him. Against this conviction he appealed to the High Court and pending the hearing of the appeal he was ordered to be released on bail. The District Magistrate of Bhagalpore wanted a security of Rs. 50,000/- for his being bailed out. This amount was reduced by the High Court to Rs. 5,000/-. On furnishing this security while the petitioner was coming out of jail, he was served with a notice that he was ordered to be detained under rule 129 of the Defence of India Rules. After 15 days he was informed that he was being detained under rule 26. He then moved the Provincial Government, who on examination of his case, directed his release. While he was coming out of jail, he was again arrested and put in prison under rule 129. Thereafter he moved the High Court on the ground that his further detention was invalid. In the meantime his conviction and sentence of six years' R. I. was set aside by the High Court.

His Lordship said that the detention of the petitioner was valid and dismissed his application.

### "NO PREJUDICIAL ACT" — GOVT. APPEAL FAILS

Holding that the accused had not committed a prejudicial act within the meaning of Defence Rule 34(6) (e) and (g), the Appellate Bench consisting of Mr. Justice Wadia and Mr. Justice Weston of the Bombay High Court, on Tuesday, dismissed the appeal of the Bombay Government against the order of acquittal passed by the First Class Magistrate of Jalgaon City.

Sadashiv Narayan Bhalerao, secretary of the Hindi Communist Party, Jalgaon, was charged with publishing and distributing copies of a leaflet containing prejudicial reports.

Their Lordships, in giving judgment held that the leaflet contained no words of actual incitement to violence nor did it contain any words which created a reasonable likelihood of violence, though there were passages which held up Government to hatred or contempt. The court, however, followed the judgment of the Federal Court in the case of N. D. Maj-

umdar, in which it was held that public disorder or the reasonable anticipation or likelihood of public disorder is the gist of the offence under rule 34(6) (e) and the acts or words complained must either incite people to disorder or must be such as to satisfy reasonable men that that is their intention or tendency. Abusive language even used about a government was not, in the opinion of the Court, necessarily sedition.

The Court in the circumstances, dismissed the appeal.

The Advocate General, Mr. N. P. Engineer, with Mr. B. G. Rao, Government Pleader, appeared for the Province of Bombay; Mr. K. T. Sule appeared for the opponent.

### A BOMBAY JUDGMENT — POSSESSION OF PREJUDICIAL DOCUMENT

BOMBAY, December 15.—Rule 39 (B) of the Defence of India Act was held to be invalid and 'ultra vires' of the Defence of India Act by Mr. G.A. Sabnis, Third Additional Presidency Magistrate, Bombay, today when he acquitted Anaji Balkrishna Barve, an electrician, of two charges under the rule of possessing prejudicial leaflets. Rule 39 (B) prohibits any person, without lawful authority or excuse, from possessing any document containing any prejudicial report.

The accused Barve was arrested on January 27 last in a room in the city where, it was alleged, leaflets and bulletins which gave rise to the prosecution were found.

After examining the relevant sections and sub-sections of the Defence of India Rules, the Magistrate held that Government were only empowered to frame rules for prohibiting the acquisition or possession of, or the publication of information likely to assist the enemy. The question was whether the power to frame rules for prohibiting the possession or acquisition of information likely to assist the enemy included the power to frame rules prohibiting the possession of prejudicial reports. The Magistrate observed that the definition of a prejudicial act, as given under Rule 34 (B) of the Defence of India Act did not include an act which was intended or likely to acquire, possess and publish information likely to assist the enemy. Rule 39 (Q) therefore, which prohibited the possession of documents containing prejudicial reports seemed clearly to the Magistrate to be beyond the rule-making powers of the Government. He therefore held that Rule 39 (B) of the Defence of India Rules was invalid and the accused could not be held to have committed an offence by merely being in possession of documents containing a prejudicial report.

The accused was acquitted.—A.P.

### CONTEMPT OF COURT CASE — HIGH COURT RULING

The plea that a Bombay editor who offered an apology in a contempt of court proceeding, should in addition be asked to disclose the name of the writer of the article, which was the subject-matter of the proceedings was advanced before Mr. Justice Macklin and Mr. Justice Sen at the Bombay High Court on Friday. The Court turned down the plea.

### CONTEMPT CASE — JUDGMENT RESERVED

ALLAHABAD, October 11.—The judgment was reserved in the "Bombay Sentinel" contempt of court case when it came up for hearing today before Mr. Justice Collister and Mr. Justice Allsop of the Allahabad High Court.

The Advocate-General argued his case and read the Bombay High Court's judgment, holding that the Allahabad High Court had no jurisdiction to arrest Mr. Horniman, Editor of the "Bombay Sentinel." The Advocate-General criticized certain aspects of the Bombay High Court's judgment.

Mr. Justice Allsop enquired from the Advocate-General as to what would happen if they sentenced Mr. Horniman to say six months' imprison-

ment under the Contempt of Courts Act. The Advocate-General replied that the sentence might never be executed in Bombay in view of the Bombay High Court's decision.

Earlier the Advocate-General argued that contempt of court was an offence under the Criminal Procedure Code though not under the Indian Penal Code and this court was competent to issue a warrant of arrest against Mr. Horniman.

He said that so long as there was a Central Government in India, processes of this court could be executed in any part of India under the Criminal Procedure Code. The position since the Privy Council's ruling, which has been relied upon by the Bombay High Court, had changed in view of the provisions of the Contempt of Courts Act even though common law in England did not apply to the Allahabad High Court.

The Advocate-General suggested that a warrant of arrest may be issued against Mr. Horniman and it may be kept pending against him. Their Lordships reserved judgment.—F.O.O.C.

## PUBLICATION OF COURT REPORT — NOT TO PREJUDICE TRIAL — PETITION AGAINST 'BOMBAY SENTINEL' REJECTED

BOMBAY, January 29.—A full-bench of the Bombay High Court consisting of the Chief Justice and Mr. Justice Weston rejected an application today preferred by K. T. Sampat against Mr. B. G. Horniman, editor of the 'Bombay Sentinel', for alleged contempt of court.

The applicant was a defendant in a case launched against him by a race-horse owner before the Chief Presidency Magistrate, Bombay. During the course of the trial he filed a statement before the Magistrate but the court refused to entertain the statement. There was some discussion in the court in regard to the admissibility of the rejected statement. The applicant submitted that by publishing substantially the statement in the Bombay Sentinel' his case was prejudiced and that his witnesses were also impeded.

Mr. B. G. Horniman who appeared in person submitted that in one of the issues of his paper he published a small summary of the proceedings of the case before the Chief Presidency Magistrate and in a subsequent issue he gave an amplification of the report. The copy was submitted to him by his reporter.

Rejecting the application his Lordship the Chief Justice said that there was no objection to quoting proceedings which took place in the court. The statement referred to was discussed before the Chief Presidency Magistrate and there was no evidence that the 'Bombay Sentinel' had published more than what was discussed or read out in the court. It might well be that the reporter had taken extensive notes of the trial and submitted his copy. His Lordship did not think that the publication of the report was such as to prejudice the trial and hence he thought no action was necessary.—A.P

## SEQUEL TO PAMPHLET ON DISTURBANCES — ORDERS RESERVED IN CONTEMPT CASE

PATNA, April 17.—Arguments in connection with the application praying for contempt of court proceedings to be drawn against Sir Richard Tottenham, Home Secretary, Government of India, was heard today by Mr. Bevoor, Special Judge.

The application has been filed on behalf of Mr. Jagat Narain Lal, now in detention, who was Parliamentary Secretary during the Congress Ministry. He is also known as the mover of the resolution against Pakistan at the last A.I.C.C. meeting in Allahabad.

The application prays that notice should be issued on Sir Richard Tottenham calling upon him to show cause why proceedings should not be drawn against him for contempt of court.

The application is a sequel to the publication of the official pamphlet on the recent disturbances containing certain references to Mr. Jagat Narain which, the application contends, are prejudicial to the disposal of the appeal pending against his conviction and sentence.

Mr. A. N. Sahay, Counsel for petitioner, submitted before the Special Judge today, that Mr. Lal was prosecuted on various charges in connection with certain incidents which took place in Naubatpore area of Patna District in August last and a Special Magistrate convicted the accused in December on specific charges, but acquitted him on the charge of instigating the use of criminal force against the police and rioting. An appeal against those specific charges on which Mr. Lal had been convicted now lay before the Judge.

The pamphlet entitled "Congress Responsibility for the disturbances, 1942-43" published by Sir Richard Tottenham in February last, continued counsel, contained a passage stating that Mr. Jagat Narain Lal was personally responsible for instigating a mob that committed arson and looting in the Patna area on August 12 and that he had been sentenced to three years' rigorous imprisonment on that charge.

Two important cases stand in the name of Sree Devidas Gandhi, Managing Editor of the "Hindustan Times" of Delhi. One of them related almost to the beginning of the August disorders and the other came at their fag end. In the first case in New Delhi against Devidas Gandhi and another, it was decided that the disorders were not proved to be part of mass movement. Here is the judgment.

NEW DELHI, September 11.—"I am not satisfied that the demonstrations and the disorders which followed the arrest of Gandhi and other Congress leaders and the mass movement sanctioned by the All-India Congress Committee, are one and the same", declared Mr. A. Isar, Additional District Magistrate, Delhi, in his judgment, of which the full text is now available discharging Mr. Devidas Gandhi, Editor, and Mr. Devi Prasad Sharma, printer and publisher, of the "Hindustan Times".

The charge against the two accused was that they contravened an order made by the Delhi Provincial Government prohibiting printers, publishers and Editors from publishing in any newspaper any photographs or pictures relating to the mass movement sanctioned by the All-India Congress Committee or to the measures taken by the authorities to deal with that movement.

The Magistrate in the course of his judgment observed:

'From the copies of the papers filed by the Public Prosecutor it is clear that on August 9 at Bombay, the All-India Congress Committee passed the Working Committee's resolution and approved of a certain movement which Gandhi was to launch. The time and other details of that movement were left to Gandhi. But before he could address the Viceroy, he and the other leaders were arrested. The precise nature of the details of this movement were not divulged.

'Thus no one can say for certainty as to what programme of action Gandhi intended to put forward. Without knowing what this mass movement was to be, it is difficult to say whether the demonstrations and the acts of violence which followed the arrest of the leaders were a part of the contemplated mass movement.

'It was admitted that the creed of Gandhi and the Congress was non-violence. The disgraceful acts of violence and sabotage, to which the mob had recourse, can be said to be indirectly the result of the general Congress programme of civil disobedience but it cannot be said that they were part of the original mass movement, for the simple reason that it had not been shown what that movement was.

'It was for the prosecution to prove that there was a mass movement as sanctioned by the All-India Congress Committee and that the offending headlines and news printed in the "Hindustan Times" related to that movement. It was not for the defence to show what this mass movement was.

'In my opinion, therefore, this case must fail on the ground that no relation such as would implicate the accused has been established between the acts complained of and the order of the Provincial Government made under Rule 41 of the Defence of India Rules, 1939. The accused are, therefore, discharged'."—A.P.

The second case is one of Contempt of Court which was brought against Devidas Gandhi as Managing Editor of the "Hindustan Times", an Assistant Editor and his Meerut Correspondent for publishing the news that a certain judge was canvassing subscriptions to the War Fund, and having convicted some accused in a case, acquitted them on payment of a certain contribution to the Fund. Sree Devidas Gandhi was fined Rs. 1000 in default of payment sentenced to 1 month's S.I. He served the sentence but carried the case to the Privy Council at a forbidding cost of Rs. 40,000 (forty-thousand.) The appeal was allowed.

NEW DELHI, June 26.—The "Hindustan Times" publishes a message from London stating that the appeal of the "Hindustan Times" in the contempt case, against the judgment of the Allahabad High Court has been allowed by the Privy Council.

The convictions have been quashed and the fine and amount of cost paid in the High Court have been ordered to be refunded. The order regarding costs of the Privy Council appeal and the reasons for setting aside the Allahabad High Court's judgment were reserved till a later date.

The case arose from an editorial comment which appeared in the "Hindustan Times" in August, 1942, criticising the Chief Justice of the Allahabad High Court, Sir Iqbal Ahmed, for calling upon judicial officers to collect money for the War Fund. The information on which the paper relied was a news item received from its Meerut Correspondent to the effect that in the course of the trial of a certain criminal case the Sessions Judge, Mr. Hari Shankar Vidyarthi, had asked the accused persons to contribute to War Fund. In doing so the Judge was alleged to have stated that he had been asked by the Chief Justice and the Governor to help in the collections.

The editor, Mr. Devadas Gandhi, the publisher Mr. Devprasad Sharma, and the Meerut Correspondent were convicted, the editor being fined Rs. 1,000 (or one month's simple imprisonment) and the publisher Rs. 500 (or one month's simple imprisonment) and the correspondent sentenced to two months' simple imprisonment.—A.P.

## LAW RELATING TO CONTEMPT — JUDGMENT IN THE "TRIBUNE" CASE — "PROCEEDINGS SHOULD BE INSTITUTED SPARINGLY"

LAHORE, October 26.—Judgment was delivered today in "The Tribune" contempt of court case by a Full Bench of Lahore High Court consisting of the Chief Justice, Sir Trevor Harris, and Justices Mahomed Munir and Teja Singh. (As already reported, the respondents, Mr. Subramanyan, editor, Mr. A. C. Bhatia, representative, and Mr. Bholanath, printer and publisher, were acquitted of all the three charges against them.)

Dealing with the first charge, namely the reproduction of the vernacular newspapers' comments on the arrest of Mr. A. C. Bali, Special reporter of the "Tribune", the Chief Justice in the course of his judgment, observed that if the editor and publisher of the "Tribune" knew at the time of publication of these comments that the presentation of an 'habeas corpus' petition was imminent then the news item in question might amount to contempt. On the other hand, if no decision had been arrived at, to make such an application when this news item appeared, no question of contempt could arise.

To be guilty of contempt of court, a party must be under a duty to refrain from publishing any matter, which constituted contempt and no person could be under a duty to refrain from publishing such matter if he was wholly unaware that a proceeding was imminent and had no reason to believe the imminence of such proceedings. The question therefore arises, whether or not the editor and publisher of this newspaper either knew that a so-called 'habeas corpus' application was about to be made, or should have known that fact.

According to the affidavit of Mr. Sondhi (Manager) and the written statement of Mr. Subrahmanyan, both believed that Mr. Bali would be released very shortly and they appeared to have had some ground for this belief. In these circumstances both Mr. Sondhi and Mr. Subrahmanyan might well have believed that no proceedings would ever be necessary to secure Mr. Bali's release. Having given the matter his most anxious consideration, his Lordship could see no ground for rejecting Mr. Sondhi's sworn statement, and therefore, his Lordship was bound to hold that when the article headed "Arrest made on flimsy grounds" was published on the morning of September 6, no proceedings were imminent or even thought of. The fact that it was decided later to bring the proceedings, could not, in his Lordship's mind, make the publication of this article contempt. If no proceedings were imminent when the article was published neither Mr. Subrahmanyan nor Mr. Bholanath (Printer and Publisher) was under a duty to refrain from publishing such matter and the publication could not in the light of subsequent events become Contempt of Court. The finding that no proceeding was imminent was sufficient to dispose of the charge relating to this article.

## ESSENTIAL INGREDIENTS FOR CONTEMPT PROCEEDINGS

His Lordship observed, "I am not satisfied, however, that even if Mr. Subrahmanyan and Mr. Bholanath had contemplated 'habeas corpus' proceedings before this article was published, such publication would amount to contempt. As I have stated, the publication of matter which tends or is calculated to interfere with the due course of justice, or to prejudice the minds of the people against a party may amount to contempt, but before a Court will take notice of such a publication, the Court must be satisfied that the matter published tended substantially to interfere with the due course of justice, or was calculated substantially to create prejudice on the public mind. The Court will not take action where the offending matter amounts to what is some times referred to as technical contempt. It must be remembered that contempt proceedings are summary and a very arbitrary method of dealing with an offence. That being so, contempt proceedings should be sparingly instituted and a person should not be convicted unless his conviction is essential in the interests of justice."

His Lordship proceeded: "In short, there must be something more than a technical contempt. There must be a substantial contempt, that is, something which tends in a substantial manner to interfere with the course of justice or to prejudice the public against one of the parties to a proceeding. It is to be observed that this article headed "arrest made on flimsy grounds" contains no comment by the editor or any member of the staff of the "Tribune". The item merely consists of quotations from the Urdu press, that fact, however, would not afford defence if the article amounted to contempt, because a person may be as much guilty of contempt by quoting from some source as writing the matter himself. This publication is in the main a criticism of the action of Mr. Henderson, which is described as unwise, harsh and likely to prejudice the good relations between the journalists and the Government."

"As I have already stated," his Lordship observed, "the reasons given by Mr. Henderson for the arrest of Mr. Bali under Rule 129 were likely to give rise to criticism and these articles quoted in the publication in question do contain such criticism. A criticism of an executive officer, no

matter how severe, cannot amount to contempt of court unless such criticism contains matter calculated substantially to interfere with the due course of justice."

Proceeding, his Lordship observed that there was nothing in the quotations which would amount to contempt, but there were certain observations which suggested that the matter should be tested in the High Court where the illegality of Mr. Bali's arrest would be established. It might be said, his Lordship pointed out, that such portions of these quotations might tend to interfere with the due course of justice, when the 'habeas corpus' application was heard, but in his Lordship's view they were not calculated to cause any substantial interference with the due hearing of such an application.

Looking at these quotations as a whole, his Lordship did not think that they could be said to have a tendency substantially to interfere with the due course of justice, and that being so, even if they amounted to contempt, they did not amount to contempt of which this Court should take notice. His Lordship held that the publication could not amount to contempt of court because at the time of the publication no proceedings were imminent to the knowledge of the editor and the publisher.

### BOMBAY EDITOR GRANTED BAIL

The validity of his arrest by the Bombay City Police on a warrant issued by the Allahabad High Court was challenged by Mr. B. G. Horniman, editor of the "Bombay Sentinel" when he appeared before Mr. Oscar H. Brown, Chief Presidency Magistrate, Bombay on Tuesday. Mr. Horniman was arrested on Monday and released later the same day.

Mr. Horniman, who argued the points himself, said that the warrant was an extraordinary and unusual document. Under clause 15 of the Letters Patent the Allahabad High Court was vested with ordinary original criminal jurisdiction over persons in the same province and its warrant for his arrest was therefore beyond its jurisdiction. He added that the "Bombay Sentinel" was not circulating in Allahabad, although it was likely that some copies of the paper went to newspapers there as exchange copies.

The Magistrate held that the warrant was proper. It bore the seal of the Allahabad High Court and was signed by two of His Majesty's Judges of that court. That it was addressed to the Commissioner of Police, Bombay, and not to the Chief Presidency Magistrate, as usual, was in the Magistrate's opinion not an irregularity which would go to the root of the validity of the warrant.

On the question of the High Court's jurisdiction to issue the warrant, the Magistrate held that 'prima facie' the High Court had the jurisdiction. The point about the circulation of the paper at Allahabad, the Magistrate thought, could be addressed to the trial court.

Mr. Horniman was allowed bail in personal recognisance of Rs. 1,000 and a surety for like amount. He is to appear before the Allahabad High Court on September 18.

Mr. Horniman intends to move the High Court in the matter.

### CASE AGAINST HORNIMAN — QUESTION OF COURT'S JURISDICTION

ALLAHABAD, August 25.—When the "Bombay Sentinel" Contempt of Court Case was taken up for hearing on Wednesday in the Allahabad High Court, after the return of the summons having been duly served on Mr. B. G. Horniman, Mr. Justice Collister asked whether Dr. Asthana, the Advocate-General of U.P., who had informed the Court that he was making enquiries with regard to the point raised by Mr. Horniman that he did not lie within the jurisdiction of this court, had completed his enquiries and whether the court had jurisdiction in the case.

Dr. Asthana was, however, absent in a Federal Court case at Delhi. Their Lordships, therefore, ordered that the case should await the Advocate-General's return.—A.P.I.

## ALLAHABAD HIGH COURT WARRANT WITHOUT JURISDICTION — ORDER ON MR. HORNIMAN SET ASIDE

BOMBAY, September 17.—The order of the Chief Presidency Magistrate Bombay, directing Mr. B. G. Horniman, Editor of the "Bombay Sentinel" to appear before the Allahabad High Court in pursuance of a warrant issued by that court to answer an alleged offence of contempt of court was set aside by the Chief Justice Sir John Beaumont and Mr. Justice Sen at the Bombay High Court today. Their Lordships held that the order of the Chief Presidency Magistrate was without jurisdiction. The bail bond which Mr. Horniman had executed was ordered to be cancelled. The effect of the Bombay High Court's judgment is that Mr. Horniman need not go to Allahabad and the warrant of the Allahabad High Court (in respect of a contempt of court offence) cannot be executed in this province.

The points that came up for decision in the case of Mr. Horniman were that a person outside the territorial jurisdiction of a court of record could not be arrested for an offence of contempt of court (which is no criminal offence according to the ruling of the Privy Council) and that the Commissioner of Police, Bombay, has no legal authority to arrest a person under a warrant issued by a High Court other than the Bombay High Court in a matter of criminal contempt.

On April 28 the applicant, Mr. Horniman, published an Editorial Note in the "Bombay Sentinel" in which reference was made to the refusal of the Allahabad High Court to take cognizance of Press reports in the matter of an important judgment delivered by the Federal Court concerning Rule 26 of the Defence of India Rules. This leading article formed the subject of an alleged offence of contempt of court and the Allahabad High Court issued a bailable warrant of arrest against Mr. Horniman directing him to appear before Their Lordships on September 18. Mr. Horniman contested the validity of the warrant as well as the jurisdiction of the Allahabad High Court before the Chief Presidency Magistrate, Bombay, (to whom the warrant was addressed for execution) but the Magistrate held that the Allahabad High Court had jurisdiction and that the warrant was in order.

### "ERRONEOUS PROCEDURE"

The Chief Justice, in his judgment, declared that the procedure adopted by the Allahabad High Court was obviously erroneous and misconceived. The High Courts had the inherent power to punish contempt of court themselves in order to ensure that the orders of the Court were enforced and the administration of justice was not interfered with. His Lordship had no doubt that if the Allahabad High Court considered that Mr. Horniman had committed contempt of court—although the contempt might have been committed outside their territory—within their own jurisdiction.

His Lordship knew of no power in his Court to take notice of contempt of court of another High Court. He agreed with the decision of the Calcutta High Court that that High Court could not take action for contempt of court against a man who was not within their jurisdiction. If the Bombay High Court could not take action for an alleged contempt of court of the Allahabad High Court then the Chief Presidency Magistrate of Bombay had not had that power and certainly the Commissioner of Police had no power at all. The Bombay High Court, in matters of contempt of court, had always acted through its own Sheriff.

Referring to the warrant issued for the arrest of Mr. Horniman, the Chief Justice said that a warrant issued under the Criminal Procedure Code must specify the offence which had been committed and the warrant in the present case specified the offence as one of contempt of court of the Allahabad High Court. His Lordship agreed that the Chief Presidency Magistrate's order could be justified under Section 83 of the Cr. P. C. or the corresponding section of the Bombay City Police Act. But there were

difficulties. Contempt of Court was not an offence, as the Privy Council had held (10 Indian Appeals), under the Penal Code, nor could the Bombay High Court take cognizance of a contempt of court of another High Court.

The application was allowed.

Mr. K. M. Munshi and Mr. B. G. Thakor appeared for the petitioner. The Police Prosecutor, Mr. Petigara, and Mr. B. G. Rau appeared for the Commissioner of Police and the Crown respectively.—A.P.

### ADJOURNED TILL MONDAY

ALLAHABAD, September 18.—The "Bombay Sentinel" contempt of Court case was adjourned till Monday, the 11th October 1943, when it was taken up for hearing today before Their Lordships Mr. Justice Collister and Mr. Justice Allsop of the Allahabad High Court.

### JUDGMENT IN "SENTINEL" CONTEMPT CASE

ALLAHABAD, November 8.—Delivering judgment in the "Bombay Sentinel" contempt of court case, their Lordships Mr. Justice Collister and Mr. Justice Allsop directed that a bailable warrant on the same lines as on the last occasion be sent to the Inspector General of Police, United Provinces, with the request that he will have it executed if and when the respondent, Mr. B. G. Horniman, editor, printer and publisher of the "Bombay Sentinel", may be found within the local jurisdiction of this court.—A.P.

### MR. A. C. BALI'S ARREST — LAHORE D.M.'S STATEMENT

LAHORE, September 3.—Mr. K. H. Henderson, District Magistrate, Lahore, in the course of a press communique regarding the arrest of Mr. Bali says:

"It is always unpleasant to have to take action against members of the press but the deliberate misrepresentations made by Mr. Bali regarding the interview between the press representatives and myself on the 2nd of September and published in the "Tribune's" issue of the 3rd September are so prejudicial that his arrest has been ordered. The paragraph published on page No. 3 which reads: 'Mr. Henderson, however, quoted instance of the A.R.P. organisation and said that public-spirited men did not come forth to join the A.R.P. organisation because it was treated as an official organisation,' is absolutely false. The absurdity of the controller of the A.R.P. alleging that public-spirited men have not come forward to join it is so great that I am forced to the conclusion that it has been inserted with the deliberate intention of sabotaging the efforts of the A.R.P. to work the distribution of sugar in Lahore and to lay foundations for sugar rationing next month. It is quite obvious that if members of the A.R.P. could be induced to believe that their own controller was so disparaging to their efforts, they would be very little inclined to take up the immense voluntary task of a rationing census and that without their help very little could be done in Lahore. The actual facts were that in the course of answering a question whether non-official opinion could not be consulted in matter of control and price regulations, I expressed surprise that although the A.R.P. was perhaps the largest organised body of non-officials in Lahore and open to all classes, certain persons in Lahore seemed to think that its members had in some way become officials and were no longer entitled to be considered as representatives of the public. No one knows better than myself as a controller, as must be obvious, the large amount of public-spirited work done by the A.R.P. when too many of its critics are not prepared to do a hands-turn to assist the public. I can only regret that a newspaper should have printed such nonsense at a time when the A.R.P. has been asked by me to undertake a very onerous and strenuous duty in the spare time of the wardens in working the house census for the future sugar rationing. Compared with this gross misrepresentation I have less complaint about the slightly inaccurate twist on my

remarks on the subject of ghee and to the fact that on page six I am alleged to have said that the issue under the new rationing scheme would be weekly or bi-weely. In fact the only reference to any weekly rationing was my information to press representatives that in Bombay rationing was 12 ozs. of sugar per week.

"I also would like to point out that one vernacular paper has quoted me as saying that under the rationing scheme A.R.P. depots would be closed down and the work would be taken out of their hands. This of course is a complete misrepresentation. What I informed the press was that with the introduction of rationing the number of depots would be reduced as there would be less rush on them."

**ARREST OF MR. A. C. BALI — "HABEAS CORPUS" PETITION — NOTICE ISSUED TO CROWN COUNSEL**

LAHORE, September 6.—On a 'habeas corpus' petition filed by Mr. P. L. Sondhi, Manager of the "Tribune", for the production in court and the release of Mr. A. C. Bali, Special Representative of the "Tribune", Mr. Justice Munir of the Lahore High Court issued notice to the Crown to appear on September 9.

The question whether Mr. Bali should be produced in the court or not will be decided on that day by His Lordship.

Mr. Ram Lal Anand, Advocate, appearing on behalf of Mr. P. L. Sondhi, brought to His Lordship's notice the fact that the order of the arrest of Mr. Bali issued by the District Magistrate, Lahore, was illegal, improper and 'mala fide'. On the merits of the case alone His Lordship could set aside the order. Rule 129 of the Defence of India Rules did not apply to the facts as stated by the learned D.M. himself in his explanation mentioned in the official communique. "Much has been made of a slight inaccuracy alleged to have crept into the report of Mr. Bali of what happened at the press conference", Mr. Anand contended. Even assuming that there was a slight inaccuracy it was not enough to deprive a person of his freedom.

Munir J.: "Let us first issue notice to the Crown and see what its counsel has to say."

Mr. Anand submitted that ordinarily reasons for action under Rule 129 remained a sealed book to the public and the courts of justice but in this case the reasons had already been stated in the communique issued by the D.M. It was a clear case for His Lordship's interference.

Munir J: "Yes! that is what distinguishes this case from others where reasons are not known. But I want to see the actual order made under Rule 129."

Mr. Anand then requested His Lordship that the Crown be directed to produce the order.

Munir J: "If they do not produce the order I will presume that no grounds exist for the arrest."

Mr. Anand further requested His Lordship to direct that Mr. Bali be produced in the court on the next date of hearing.

Munir J: "Let me first give a chance to the Crown to explain its position and then I will decide whether Mr. Bali should be produced in the court or not."

Mr. Anand: "But my Lord! look at the order which can by no means be sustained . . ."

Munir J: "But if no reasonable explanation is forthcoming on behalf of the Crown, then I will see what to do."

Mr. Anand further asked for His Lordship's permission to be allowed to have access to Mr. Bali. His Lordship directed that such an access was a legitimate demand and would, if applied for to the proper authorities, be granted. "If such an access is refused then it will be an additional ground in support of your case," he said.

## PETITION

The petition, mentioning the communique issued by the D.M. on the arrest of Mr. Bali, 'inter alia' stated:

"The difference between what Mr. Henderson said and what Mr. Bali reported, Mr. Henderson to have said is really a distinction between tweedledom and tweedledee.

"At any rate a slight inaccuracy creeping into a report of a press representative about something of which no official record is required to be maintained or is, in fact, maintained, does not come within the mischief of any of the Defence of India Rules nor can it be said that this alleged inaccuracy comes within the meaning of Rule 129 of the Defence of India Rules.

"It is not open to Mr. Henderson to read into the words, which constitute the last but one paragraph of Mr. Bali's report.

"On perusal it will be seen that the report is by no means complimentary to Mr. Henderson in respect of the control orders which he has been issuing from time to time regarding milk and curd.

"Even on the explanation given by the D.M. in the official communique of the 3rd September 1943 that part of the report which is impugned, does not fall within the ambit of Rule 129 or of any other Rule of the Defence of India Rules or of any provision of any other law.

"Instead of writing to the "Tribune" to correct what Mr. Henderson describes as a deliberate misrepresentation, Mr. Henderson took the extraordinary and entirely unjustifiable action of ordering Mr. Bali's arrest and putting him behind the bars.

"The custody of Mr. Bali is both illegal, improper and 'mala fide' and he is entitled to be set at liberty.

"The petitioner is the Manager of the "Tribune" and the "Tribune" press and as such is interested in the release of Mr. Bali in whose absence the work of the newspaper is seriously suffering.

"The petitioner has made his best efforts to find out where and how Mr. A. C. Bali is at present detained but he has not been able to trace him."

The petition prayed that Mr. Bali be brought before the court, dealt with according to law and set at liberty.

An urgent letter has been written by Mr. Ram Lal Anand to the District Magistrate, Lahore, today drawing his attention to the fact that it was necessary to file an affidavit of Mr. Bali in relation to the 'habeas corpus' petition setting out the exact details of what transpired at the press conference held on the 2nd September 1943 which Mr. Bali attended and the report of which he contributed to the "Tribune." "Neither my client Mr. R. L. Sondhi, Manager of the "Tribune" nor I," Mr. Anand adds "know as to where Mr. Bali is now in custody. In the circumstances I will request you to please convey to Mr. Bali that I want his affidavit containing a detailed information as to what happened at the press conference so that he may draw up the necessary affidavit and have it attested and sent on to me. In the event of Mr. Bali agreeing to file such an affidavit you will please place at his disposal the necessary facilities. If you find it inconvenient to make all these arrangements, please permit Mr. Sondhi the necessary access to Mr. Bali so that he gets into touch with him and obtains the necessary affidavit. If it be not possible for you to permit Mr. Sondhi to do, you will please permit me or my junior in the case, such an access."—F.O.O.R.

## "TRIBUNE" CONTEMPT CASE

The "Tribune" writes:—

A remarkable judgment laying down the law on the subject was delivered by the Chief Justice, Sir Trevor Harries, presiding over a Full Bench of the Lahore High Court consisting of himself, Mr. Justice Muhammad Munir and Mr. Justice Teja Singh, in the "Tribune" contempt case.

When the notice was served on the editor, the representative and the printer and publisher of this paper asking them to show cause why they should not be proceeded against for contempt of court for the publication of certain articles in the "Tribune", it was realized that apart from the personal responsibility of the respondents for the publications concerned, an issue, or rather several important issues, concerning the rights and privileges of the press would be raised in the case. Explicit or implicit in the initiation of proceedings against this paper were the questions, how far were comments on proceedings in an imminent cause permissible, could newspapers in the ordinary discharge of their responsibilities publish documents referred to but not read out in open court, whether headlines within quotation marks taken from reported proceedings would amount to comment, whether reports, incorrect in immaterial particulars, were an offence for which a newspaper could be proceeded aganist by the summary and arbitrary method of contempt proceedings, whether the publication of fair and accurate reports of day-to-day proceedings in cases in open court were privileged and whether the old and out-of-date notion that, nothing could be safely published except judgments was still the law of the land. The importance of these issues from the point of view of the press was obvious from the very beginning and it is no small gain that a Full Bench of the Lahore High Court has given its verdict on some of these issues in clear and unequivocal terms. On all the charges brought against the three respondents except one the decision of the court is unanimous, that the articles complained of did not constitute contempt of the Lahore High Court. Even on the charge on which His Lordship Mr. Justice Muhammad Munir felt it necessary to differ from the opinion of other two judges, he did not consider it necessary to record any formal conviction as he held that it was not the intention of the editor to interfere with the due course of justice.

Contempt is such an undefinable offence and the field which it covers is so wide that more often than not it becomes a trap to the unwary journalist who, with limited resources, has to discharge an immense responsibility. Consequently, anything which facilitates his task, which ensures for him the privilege which every honest citizen enjoys in every country, that he should be presumed to be innocent until he is adjudged guilty in a court of law, must be doubly welcome to him. It is from this point of view that the judgment of Chief Justice Harris in the "Tribune" contempt case bids fair to become a charter of freedom for the press in India. The Punjab is extremely fortunate in having as its Chief Justice one who will not only keep alive but carry forward the gerat traditions of independence, impartiality and integrity which a long line of distinguished judges has built up in different High Courts of this coutnry.

Both because contempt is an undefined and undefinable offence and because the courts act in such matters in their inherent jurisdiction and the proceedigs are arbitrary and summary, judges usually resort to it only when there is contumacious contempt tending substantially to interfere with the course of justice.. Though on the one hand judges feel that these summary powers are necessary to maintain the dignity of the judiciary and its reputation for independence and impartiality they have, on the other hand insisted, as a safeguard to the public, that proceedings for contempt may be started only in flagrant cases and not where the contempt committed is unintentional and technical. As his Lordship Chief Justice Harries remarks: "It must be remembered that contempt proceedings are summary and a very arbitrary method of dealing with an offence. That being so contempt proceedings should be sparingly instituted and a person should not be convicted unless his conviction is essential in the interests of justice." That in the "Tribune" contempt case where there were as many as six charges, including the subsidiary charges, all the three respondents, were found "not guilty" on all charges except one by all three judges and that, even on this charge, the majority verdict was in favour of the respondents while Mr. Justice Munir merely recorded the

finding that the article complained of did amount to contempt without proceedings to record even a formal conviction against the editor of this paper, is enough to show that, even in the first instance, there was scant justification for the initiation of contempt proceedings which in the case of a smaller journal than the "Tribune" might well have proved ruinous financially.

One preliminary matter from which the contempt proceedings originated and to which their Lordships have also considered it necessary to refer in their judgment relates to the circumstances in which Mr. Bali, the Special Representative of this paper, was arrested by the District Magistrate of Lahore. The District Magistrate's complaint against Mr. Bali was that in his report of the proceedings of the press conference held by him on September 2, which appeared in the "Tribune" of September 3, he had stated: "Mr. Henderson, however, quoted the instance of the A.R.P. organisation and said that public-spirited men did not come forth to join the A.R.P. organisation because it was treated as an official organisation." In the communique issued by him on September 3, after he had arrested Mr. Bali, the District Magistrate gave his version of what happened as follows:—"The actual facts were that in the course of answering a question whether non-official opinion could not be consulted in matters of control and price regulations I expressed surprise that although the A.R.P. was perhaps the largest organised body of non-officials in Lahore and open to all classes, certain persons in Lahore seemed to think that its members had in some way become officials and were no longer entitled to be considered as representatives of the public." As his Lordship the Chief Justice remarked in the course of the proceedings, it was really a distinction without a difference. But even if there was some difference, it was nothing serious. Still, it was because of this alleged misreporting that Mr. Bali was arrested under Rule 129 of the Defence of India Rules on September 3 and kept in detention till the morning of September 7. On how far this arrest was justified, his Lordship remarks in the course of his judgment: "I cannot understand, as at present advised, how this report of Mr. Bali could afford a ground for his arrest and detention under Rule 129 of the Defence of India Rules." The arrest was, evidently, a misuse of the powers given to Executive officers under the Defence of India Rules and we are glad that so great an authority as the Chief Justice himself has held it unjustified.

## SECURITY DEMAND FROM PRESS — GOVT.'S ORDER SET ASIDE

A Full Bench of the Bombay High Court, composed of the Chief Justice, Mr. Justice Chagla and Mr. Justice Weston, allowed an appeal filed by Mr. V. G Ketkar, keeper of the Loksangraha Press, Poona, and set aside, on Friday, an order passed by the Government of Bombay demanding security of Rs. 1,500.

The demand for security was made by Government under the Indian Press Emergency Powers Act after a pamphlet, published by Mr. R. N. Mandlik, M.L.A., Bombay, had been printed by the press. Government were of opinion that the pamphlet was likely to cause disaffection or bring Government into hatred and contempt.

The Bench held that the notice demanding security from the applicant was clearly had as it did not strictly specify the alleged offending words or passages in the pamphlet. In considering the history of the pamphlet, which was preceded by letters addressed to an Adviser to the Governor of Bombay in courteous terms by Mr. Mandlik in regard to action alleged to have been taken by the police and military, the Bench drew attention to the fact that 500 copies of the pamphlet were printed, not for general circulation nor profit, but were sent only to responsible people like editors of newspapers and members of the legislature.

The general effect of the pamphlet was not to charge Government with misconduct. The Bench thought that it might only induce people to whom

it was sent to be extremely critical of Government. The Bench was not prepared to say that the pamphlet would cause stronger feelings than adverse criticism and therefore was not likely to arouse disaffection nor bring Government into hatred or contempt.

### SECURITY DEMAND SET ASIDE — NAGPUR PAPER'S PLEA

NAGPUR, December 11.—A Full Bench of the Nagpur High Court set aside the order of the provincial Government under the Indian Press Emergency Powers Act, demanding a security of Rs. 1,000 from the printer of "Bhavitavya", a Marathi weekly of Nagpur, edited by Mr. P. Y. Deshpande, for printing and publishing an article entitled, "The Message of the August Revolution," in his paper dated August 11, 1944.

In the course of their judgment, Their Lordships, while discussing one of the eleven objected passages, pointed out how the word revolution had been used in the Montford Reforms in the sense of revolution in the people's thought, and held that the writer used the word in that sense alone.

"Moreover, the word 'revolution' has become a slogan with socialists and lost all its sting by frequent reiteration," observed Their Lordships.

Their Lordships concluded: "Our conclusion is that the article does not contain any element of incitement to acts of violence, or contempt, or hatred against His Majesty, or disaffection against His Majesty, or disaffection against the Government of India, or any encouragement or approval of the commission of any offence. The article is written from an academic, though a Socialistic viewpoint, to appraise the historical effect of the Congress resolution of August, 1942, and the doctrine of non-violence and mass movement underlying it. Taking into consideration the facts that it was a review of a past event written two years later with an estimate of its potentialities, and that the circulation of the newspaper was confined to the intelligent and educated classes of the people, there could be no real fear of any possibility of mischief arising from the article."—A.P.

### PREJUDICIAL PAPERS WITH AN EDITOR — POSSESSION HELD TO BE LAWFUL

Holding that the possession of a prejudicial document, received for publication, by the editor of a paper, would be possession with 'lawful authority'. Mr. Balbhadra Prasad 'Rasik', editor of "Jewan Joti", was acquitted by Mr. D. G. P. Anthony, the City Magistrate of Allahabad, of the charge of possessing two prejudicial documents without lawful authority (says a report in the "Amrit Bazar Patrika").

The accused pleaded possession with lawful authority as the editor of "Jewan Joti" of the two documents, alleged to be prejudicial. They were recovered from his possession when his house was searched on October 28.

"We have to see," observed the magistrate, "whether the accused has the 'lawful authority' contemplated in Rule 39 D.I.R. The word 'lawful' is nowhere defined. "Hence the commonsense view of it has to be taken. I consider that the word 'lawful' would cover the case of an editor of a paper being in possession of any contributions sent to him by any member of the public. In this instance it is clear that the accused is not the author of the prejudicial documents. He does not know Urdu and is a poet in Hindi which fact was proved by evidence. It is also proved that the accused was the editor of "Jewan Joti" and as such entitled to receive contributions in due course of business. These poems were received in such course of business and reserved by him for reply to the sentiments expressed therein. It is also proved that though formerly a staunch member of the Congress he resigned long ago and has been publishing several pro-Government poems in various magazines from time to time. Owing to illness at home he was precluded from publishing his reply to these two rejected contributions. I consider that he had 'lawful authority' of possessing such prejudicial documents in his capacity as editor, and combining

this view with the overwhelming evidence on record of his change of attitude towards all anti-Government activities, I consider that he is clearly entitled to acquittal."

Mr. Balbhadra Prasad 'Rasik' was therefore, acquitted.

### 'AJ' CASE

The case against Pandit Vidya Bhaskar, Editor of the 'Aj', Benares, was an amazing one. He was prosecuted in June 1943, on a charge of having been found in possession of a prejudicial report entitled 'August Revolution of 1942'. He was acquitted on the ground that the pamphlet in question had been received at the office of the daily in the ordinary course of business and kept aside for the perusal by the Editor at leisure. In the meantime and shortly after its receipt and before it was read by the Editor, a police party raided the office and wanted to know whether he had the book in question. He did not remember and looked into the drawers and found it and handed it over to the Police. To argue, as the prosecution did that because there was no label or cover found over the book and therefore the Pandit must have been aware of the contents was to show how hard up the prosecution was for buttressing up a case of the Government. To arrest the Editor on this ground and prosecute was worse than a mockery. It was found that the pamphlet was received and kept by the Editor 'bona fide' and the accused was acquitted. Obviously the U. P. Magistrate had better sense than the U. P. Government which sanctioned the prosecution under the D.I.R.

### ALLAHABAD HIGH COURT ACQUITS PRESS MANAGER

ALLAHABAD, May 18.—Holding that the book entitled "A Phase of the Indian Struggle" by Dr. Shayamaprasad Mukherjee, an ex-Minister of Bengal, is not a 'prejudicial report,' the City Magistrate of Allahabad, sitting as Special Magistrate under the Special Criminal Court Ordinance, acquitted yesterday the Manager and another employee of a local bookshop of the charge under Rule 39 of the Defence of India Rules of being in possession of seven copies of the book in question to be a prejudicial report.

During the course of his judgment, the Magistrate observed: "This book has been studied by me from cover to cover. It contains a series of letters addressed by the author to His Excellency the Governor of Pengal and H. E. the Viceroy. Besides these letters, it contains a short criticism of the Cripps' Proposals and the record of a speech made by the author. There is nothing in any of the contents except the letter of resignation of the author from the Ministry which can even be remotely construed as passages which come within the definition of prejudicial report. Attention is thus fixed on his letter of resignation and in respect of this, I have before me a certified copy of the judgment of the Bombay High Court in respect of this very letter of resignation in which it is clearly held that there is nothing in the letter of resignation which can be construed as 'prejudicial report' in the absence of any view contrary to this held by the Hon. Allahabad High Court. I am bound by the findings of the Bombay High Court and accordingly I hold that since the book—"A Phase of Indian Struggle" is not a prejudicial report no offence has been committed by the accused."

### "JANMABHOOMI" CASE — FULL TEXT OF JUDGMENT — "ORDERS OF BOMBAY GOVT. NOT JUSTIFIED"

Judgment delivered by the Special Bench of the Bombay High Court consisting of the Chief Justice and Justices Chagla and Weston, on the application preferred by the Printer and Publisher of "Janmabhoomi", a Gujarati daily of Bombay against the Bombay Government's order forfeiting the paper's security and asking for a fresh deposit, for publishing Dr. Shyama Prasad Mookerjee's letter to the Governor of Bengal. Delivering the judgment the Chief Justice said:

"Now, the article complained of war published in a newspaper in the Gujarati language, and it set qut in a Gujarati translation of a letter written by Dr. Shyamaprasad Mookerji to the Governor of Bengal on the occasion of Dr. Mookerji's resignation as a Member of the Bengal Ministry. In the letter the writer says that he disapproved of the policy of the Government of India with regard to the present political situation. He disapproved of the policy of repression, but he recognised that the Governor of Bengal was not responsible for that. The main criticism in the letter is as to the conduct of the Governor in relation to his Ministers. The gravamen of the charge, which he makes, is that the Governor of Bengal had not carried out the terms of the Government of India Act and his Letter of Instructions according to the spirit, that he had not consulted and followed the advice of his Ministers, and that he had been more favourable to the Opposition than to the Ministry from which the writer was resigning. It is very difficult to see how criticism of the Governor of Bengal can do any mischief in the Province of Bombay. Even if the applicant's newspaper circulated in Bengal, I think it would be difficult to say that publication of a Minister's reasons for resigning is calculated to bring Government into hatred or contempt, even treating Government as meaning the Government of Bengal. A Minister resigning is entitled to give his reasons for so doing, and is entitled to criticize, in proper language, the conduct of the Governor in relation to his Ministers. Reading the article as a whole, I do not think it goes beyond the scope of legitimate criticism. The Federal Court of India recently had to consider the meaning of Rule 34(6) (e) the language of which is identical with that of Section 124A of the Penal Code, and they expressed the view that the gist of the offence of sedition was that the act tended to promote public disorder. I doubt whether this article is calculated to promote public disorder even if it circulated in Bengal. I feel confident that there is no chance of its promoting public disorder in Bombay, or, by reason of its circulating in Bombay, in Bengal. Some of the expressions are perhaps couched in rather too strong language. The writer thinks that there had been some atrocities in the suppression of disorders, but the only remedy he suggests is public enquiry and transfer of some Government officers to different districts. I do not think, reading the article as a whole, that it can be said that it involves an unfair criticism of Government, or that it incites anybody to any act of disaffection towards Government so as to come within clause (e). It is even more difficult to see the article brought within the mischief of the other two clauses relied on. There is nothing in the article to my mind, calculated to cause fear or alarm to the public or to any section of the public; nor, I think, does it deal in any way with the prosecution of war. It cannot, therefore, be said to be prejudicial to the defence of British India or to the efficient prosecution of war.

"In my opinion, the orders of Government were not justified, and must be set aside with costs."

## MR. MANDLIK'S PAMPHLET ON NANDURBAR FIRING NOT PREJUDICIAL

The following are extracts from the judgment recorded by the Bombay High Court in Criminal Application No. 186 of 1943, under the Indian Press (Emergency Powers) Act 1931, in the case of Vishnu Gangadhar Ketwar, keeper of the Lokasangraha Press, Poona:—

Mr. K. N. Dharap and Mr. H. S. Ursekar, Advocates for the petitioner. The Advocate-General with the Government pleader for the Opponent-Crown.

(Coram:—Beaumont C.J., and Chagla and Weston J.J.)

Oral Judgement (Per Beaumont C.J.):—This is an application under section 23 of the Government of Bombay directing the applicant as the keeper of a certain printing press to deposit security, the order having been made under sub-section (3) of section 3 of the Press Act.

"But I do not want to dispose of the application merely on the technical ground that the notice was bad, because that difficulty could not be overcome by serving a fresh notice. I will, therefore, consider whether the pamphlet falls within the terms of the Act. It is alleged to have infringed Section 4 (I) (d) of the Act.

"The writer of the pamphlet is Mr. Mandlik, who is a member of the Bombay Legislative Assembly, and he first wrote to an Adviser to the Governor of Bombay in August 1942, pointing out that on the 12th of August there had been firing by the military in Poona to put down a civil riot, and that in that firing certain women who were merely looking on had had the misfortune to be killed and he asked Government to hold a judicial inquiry. His letter is expressed in courteous terms, and he starts by saying:

"'I am loath to disturb the Government while they are engaged in doing their duty to keep law and order by putting down with firm hand the disturbances consequent on the dangerous and inopportune movement of "Quit India" started by the Congress. But I would be failing in my own duty too if I do not bring to the notice of Government, in time, the public complaints of a genuine nature in regard to the conduct of Government officials, charged with the onerous and unpopular task of keeping law and order in the Province. Such being the purpose of this letter I hope and trust that I will not be misunderstood on its account'."

## CORRECT ATTITUDE

"That seems to me an eminently correct attitude. He wrote four or five letters to the Adviser to the Governor in relation to this Poona firing pressing upon Government the desirability of holding a judicial inquiry. But he obtained no answer to any of his letters. Then in September he wrote to Government informing them of certain actions alleged to have been taken at Nandurbar in West Khandesh by the police, and in the various letters which he wrote to the Government on that subject he told them that his information was that the police had fired upon a procession of school children, when four of the children had been killed and others injured, and he also sent Government what purported to be statements of alleged eye-witnesses furnished very soon after the firing setting out the facts and in particular alleging that one boy who was the leader of the procession had been held by the two police officers, and when so held one of the police officers shot him twice with a revolver, and killed him and the writer invited Government to hold a public inquiry as to that matter. Again he did not receive any answer whatever from Government other than an acknowledgement. No doubt, in some of the letters there are passages in which he suggests that Government have practically given 'carte blanche' to the police and are not going to take notice of whatever excess the police may indulge in. But the letters make it clear that that is a view forced upon him by Government ignoring his letters and all the letters are expressed in courteous and moderate language. The writer, as I have said, is a man holding some public position, not a mere busy-body, and he was doing what I think every good citizen would be expected to do, viz., bring to the notice of Government alleged excesses by Government or Military Officers which are supported by testimony which he regards as reliable, and disclose to Government. Certainly it is somewhat remarkable to find that Government paid not the slightest attention to his letters. Of course, Government may have considered that a public inquiry would do more harm than good. In times of violent civil commotion there are bound to be occasions on which the military and police have to open fire on crowds, and it is inevitable that some people should think, at times possibly with justification, that firing took place unnecessarily. It may very well be that Government did not want public inquiry going on all over the country. At the same time when two police officers

are said to have committed what amounts to a deliberate murder, and when names of alleged eye-witnesses are supplied to Government, one would naturally suppose that Government would at any rate institute an inquiry, it may be a private, but at any rate a searching inquiry, something more than a mere departmental inquiry, and would tell this informant of what they were doing.

"The question we have to decide is whether this pamphlet comes within the terms of Section 4 (1) (d) of the Press Act, whether it does tend, directly or indirectly, to cause feelings of hatred or contempt or disaffection towards Government. It is to be noticed that the pamphlet was not published for general circulation or profit. Five hundred copies only were printed, and in his affidavit the applicant says that he sent them only to responsible persons like editors of newspapers and members of the Bombay Legislative Assembly. So that one really has to consider whether in the minds of those people the tendency would be to cause feelings of hatred or contempt or disaffection. We must remember that as the learned Advocate General argues, the fact that the pamphlet is true and the fact that it was published 'bona fide' and even in accordance with what the writer considered to be his public duty, will not prevent the pamphlet being objectionable within the section.

## "REAL GRAVAMEN OF CHARGE"

"I am bound to say that I think the reading of the pamphlet by persons to whom it was sent would induce in their minds a feeling extremely critical of the wisdom of the Government of Bombay, for the reasons which I have already indicated. But I think it is going too far to say that it would induce in their minds feelings of hatred or contempt, or would cause disaffection. The writer admits the difficulty under which Government were working, and the fact that on the whole they were doing well, and the persons to whom the pamphlets were sent would appreciate that. Though I think the effect of the pamphlet, rather perhaps an indirect than a direct effect, would be to make people critical of Government; I do not think it would go further than that. I say that the effect is indirect, because the real gravamen of the charge against Government is not so much conduct of theirs discussed in the pamphlet; it is the way in which Government has dealt with the matter, in never answering these letters, never informing the writer whether there was an inquiry into the matters and if so with what result. It is the omissions of Government which are calculated to occasion criticism, but that, it may be, an indirect effect of the publication of the pamphlet.

The learned Advocate-General has referred to particular passages. There are, as I have said, one or two passages in which the writer suggests that Government's refusal to answer letters would show that they gave 'carte blanche' to the police. But those are isolated passages. The general effect of the pamphlet is not to charge Government, but to charge the police and the military, and invite Government to hold an inquiry. I am not prepared to say that the effect of the pamphlet on the minds of those to whom it was sent would be to cause any stronger feeling, than one of adverse criticism toward Government in relation to a particular side of its administration. I do not think it would cause disaffection, or induce people to think that they might have another Government which would govern them better. No Government is perfect, and some criticism is allowable and there is a good deal of praise in the pamphlet of Government's success in dealing with a very difficult situation. I would, therefore, say that the pamphlet does not come within the work of Section 4 (1) (d).

"The application, therefore, will be allowed with costs and the order set aside, deposit to be refunded."

Justices Chagla and Weston concurred.

## CONTEMPT OF COURT CASE — RULE DISCHARGED — STRICTURES ON DISTRICT OFFICER

PATNA, (By Mail).—A Special Bench of the Patna High Court consisting of the Chief Justice, Mr. Justice Agarwala and Mr. Justice Imam delivered judgment in the case arising out of the rule issued against Mr. R. N. Lines, I.C.S., District Magistrate of Bhagalpur, to show cause why he should not be committed for contempt of court for disobeying an order of the High Court in the matter of the release of a political prisoner.

On January 25, 1944, it was brought to the notice of Mr. Justice Agarwala and Mr. Justice Imam that an order passed by a Bench of this court consisting of Mr. Justice Chatterji and Mr. Justice Meredith on December 23, 1943, directing the release of one Narsingh Rai under Section 491 of the Code of Criminal Procedure, had been communicated to the District Magistrate of Bhagalpore was not carried out, and that the prisoner was still under detention. Upon these allegations the present rule was issued against Mr. Lines.

The District Magistrate showed cause and Their Lordships observed that it was conceded before Their Lordships that only the Central or the Provincial Government could act under Rule 26 (1) (b) of the Defence of India Rules and the District Magistrate had no power to detain Narsingh Rai under that rule. The District Magistrate said in his explanation that Rule 129 mentioned in the original order was penned through and Rule 26 (1) (b) was substituted therefor by his confidential clerk as a result of mere misunderstanding on his part owing to great pressure of work in the office and this mistake was not detected by him at the time of signing the order.

### VERY ODD

The District Magistrate did not reveal the nature of the misunderstanding which led his confidential clerk to make the alteration, but it seemed very odd. Their Lordships remarked, that the confidential clerk should have been allowed by him to take the liberty of making such a material alteration in an order for which he alone could be held responsible and that he should have adopted the amended order and forwarded it to the jail authorities as well as to the Criminal Investigation Department at Patna as he was purported to have done. He did not state the reason for the second alteration in the original order which was of no less importance, namely, the substitution of the words "upto and including January 2, 1944" for the original words "the period of 15 days" but a possible explanation might be found in the fact that original order of detention had been passed by the S.D.O. on November 2 and an order under Rule 129 could remain in force under the second proviso to sub-rule (2) for two months only, which would have expired on January 2.

### NOT A SEMBLANCE OF EXCUSE

The remarkable fact, about this order, Their Lordships observed, was that it related to Narsingh Rai of village Sonbarsa, outpost Sonbarsa, though the person with whom Their Lordships were concerned was Narsingh Rai of village Gouripore, police station Bihpore. The last description which Their Lordships found in all the papers relating to this man, except the order passed by the District Magistrate on December 3. Their Lordships' attention had been drawn to the fact that another person called Narsingh Kuer of Sonbarsa had also been detained on November 2, 1943 and it was quite plain that the possibility of there being another Narsingh Rai, corresponding to the description given in the order of the District Magistrate, could not be ruled out on the materials which had been placed before Their Lordships. If, therefore, the order related to another person, then there was not even a semblance of an excuse for detaining Narsingh Rai of Gouripore beyond November 16.

## SECURITY ORDER SET ASIDE — DECISION IN "FORUM" CASE — BOMBAY HIGH COURT JUDGMENT

BOMBAY, February 9.—The order of the Bombay Government demanding a security of Rs. 2,000 from Mr. Joachim Alwa, Editor, Printer and Publisher of the weekly news magazine 'The Forum' was set aside by the Full Bench of the Bombay High Court consisting of Mr. Justice Chagla, Mr. Justice Lokur and Mr. Justice Weston.

The demand for security was made by the Government in respect of an editorial appearing in the issue of 'The Forum', dated May 28, 1944, under the caption, "Halt this march to the gallows," which, according to the Government, contained words falling under the provisions of the Act. The article in question referred to the death sentences passed on sixteen accused persons in the Chimur and Ashti cases.

Delivering separate and concurrent judgments setting aside the Government's order, Their Lordships observed that reading the article as a whole they had to consider whether it contained directly or indirectly any approval or admiration of the offence of murder. There could be no doubt that the main, perhaps the only object of the article was to make a strong plea for the commutation of the death sentences, as the writer had put it at the end of the article, "Let them by all means suffer a life term if they have to be punished." In making a plea for the commutation of the death sentence, the writer had expressed his opinion against capital punishment. He had also pointed out that about this time Mahatma Gandhi had been released and that there was a possibility of negotiations and that it would create a bad impression in the country if these men were made to suffer death sentences.

The Crown relied on the use of certain words by the writer like "victims of the Chimur and Ashti cases." Their Lordships did not see how it was wrong to describe the sixteen persons who were sentenced to death as victims. That expression did not involve any admiration or approval of what they had done. Their Lordships had scrutinised the article very carefully and had failed to find any expression of approval or admiration for the offence committed by the sixteen persons or even any suggestion that the writer had held up these persons for approval or admiration. In these circumstances, the Government order demanding security should be set aside.

## DIVULGING SECRET CORRESPONDENCE — C. P. JOURNALISTS FINED: EDITORS ACQUITTED

NAGPUR, May 30.—Judgments were delivered today by Mr. R. K. Misra, City Magistrate, in the 'Hitavada' and the 'Nagpur Times' cases.

"On March 10 the 'Hitavada' published a news item under the heading: "Why they are detained". This article, it is alleged, contravenes Section 11 (2) of the Restriction and Detention Ordinance 3 of 1944. It is clear that the article published in the 'Hitavada' dated March 10 discloses that contents or substance of the communications that passed between the C. P. Government and the detenus or security prisoners detained in Jubbulpore Central Jail, Mr. A. D. Mani, editor, had no part in the disclosure or publication and he is not guilty" said the magistrate acquitting him.

"The offence proved against Mr. A. K. Ghose (News Editor) and Mr. Narad (correspondent) is very serious. They have divulged the secret which was intended to be kept a close and guarded secret. The desire of journalists to divulge Government secrets has to be checked by awarding a deterrent punishment."

Mr. A. K. Ghose was sentenced to a fine of Rs. 200 (or, in default, to four months' R. I.). Mr. Hukumchand Narad was sentenced to a fine of Rs. 200 (or, in default, to four months' R.I.) for each of two offences.

The 'Nagpur Times' of March 11 published an article entitled "Jub detenus served with notices". The chief offences in this case is Mr. Hukumchand Narad, who is and respondent of several papers. Remarking

that he deserves a severe punishment the magistrate sentenced him to a fine of Rs. 500 (or, in default, to six months' R.I.) under section 11 (2) of the Ordinance and to a fine of Rs. 100 (or in default to undergo two months' R.I.) under section 109 I.P.C. read with section 11 (2) of the Ordinance. Mr. M. J. Kanetkar and Mr. R. P. Dube are occupying responsible offices of editor and publisher. A little carefulness on their part would have prevented the matter from being broadcast to the public. They have shown extreme carelessness for their duties and responsibilities and each of them is sentenced to a fine of Rs. 300 (or, in dedfault, to six months' R.I.). Mr. I. S. Parihar (Sub-editor) has played a minor part and is only an abetter. He is sentenced to a fine of Rs. 100 (or, in default, to two months' R.I.)"

Mr. A. C. Shukla (Managing Editor) was acquitted.

Mr. Kanetkar declined to pay the fine and was sent to jail.

## "NAGPUR TIMES" CASE — DETAILS OF HIGH COURT JUDGMENT

NAGPUR, November 25.—"The difficulty arises from the fact that the term confidential information would in its ordinary connotation embrace all kinds of information however sublime or pusillanimous which is given in confidence and we are clear that it was never intended that the term should have so wide a construction or application", observed the Full Bench of the Nagpur High Court, consisting of Justice Sir M. B. Niyogi, Mr. Justice Bose and Mr. Justice Hemeon in the course of their order setting aside the order of the Provincial Government forfeiting the security of Rs. 750 from the keeper of the press and Rs. 1,000 from the publisher of 'Nagpur Times' on the ground that, the paper in a news item relating to the detenus published, having regard to the provisions of Section 11 (2) of the Restriction and Detention Ordinance of 1944, 'confidential information' within the meaning of Section 4 (1) (bb) of the Indian Press (Emergency Powers) Act of 1931. (The news of the judgment was published in 'The Hindu', on the 26th inst.)

Their Lordships continued: "The definition of 'confidential information' [it is defined in the Defence of India Rule 34 (2)] is not exhaustive and the meaning of the term is not limited to the substance of the definition. In the case of this kind, the word or phrase should, as their Lordships of the Judicial Committee pointed out in Dilworth vs. Commissioner of Stamps (1889) A.C. 99, be construed as signifying not merely that which it signifies according to its natural import but something more which the interpretation clause declares it shall include. We are clear that it was never intended that the term should have so wide a construction or application. This conclusion is reinforced by the fact that it was found necessary to promulgate the Restriction and Detention Ordinance 1944 (III of 1944) which specifically provides a penalty for the disclosure or publication without requisite authority of communications of the nature of those in these proceedings, although the Defence of India Rule 38 (i) (d) inhibits the unauthorised publication of the documents containing confidential information and the Defence of India Rule 38 (2) lays it down that a publisher of such information shall be deemed to have contravened the Rule. Section 4 (1) (bb) of the Indian Press (Emergency Powers) Act 1931, contains no reference to any kind to the Ordinance and the insertion in the Order in question, of the words, "having regard to the provisions of Section 11 (2), Restriction and Detention Ordinance, 1944", was made it would appear, to attach to the terms "Confidential Information" in Section 4 (1) (bb) of the Indian Press (Emergency Powers) Act, something more than it actually signified.

## DISMISSAL OF APPLICATION FOR CONTEMPT OF COURT

Dismissing the application of the 'Nagpur Times' for starting contempt proceedings against the Chief Secretary who passed orders forfeiting the

security of the paper while it was undergoing trial under Section 11 (2) of the Restriction and Detention Ordinance 1944, their Lordships observed:

"It is not possible to give a comprehensive definition of what amounts to contempt of court but interference with the administration of justice is one of the well-recognised heads of such contempt. When, as in the case before us, an order was passed by an authority competent to pass it and it was passed in good faith, it cannot be said that there was such an interference with the administration of justice as would amount to contempt of court."

Proceeding, the Order dismissing the application says: "It is necessary that courts of justice should have power to punish for contempts; but it is a power which has its justification in necessity alone and should rarely be exercised and never but in those cases where the necessity is plain."

"That the additional District Magistrate (in whose court the trial was proceeding) was likely to be influenced by the order is manifest..... And we are not prepared to suppose that he would in the case before him reach a decision that would conflict with the order."

The Order adds: "This position regrettable as it appears to us, was not one however, which would render Mr. Jayaratnam (the Chief Secretary) liable for contempt of court. Bad faith on his part cannot be postulated....Section 31 of the Press Emergency Powers Act 1931 makes it clear that the operation of other laws is not barred in respect of persons who are being proceeded against under it."

## WARFARE BETWEEN THE JUDICIARY AND EXECUTIVE

Firing became so common and approval of it was so much a foregone conclusion that a decision like the one below may appropriately arrest the Reader's attention:

### "POLICE HAD NO CAUSE TO OPEN FIRE" — CORONER'S VERDICT IN BOMBAY INQUEST

"From the evidence before us, we are unanimously of the opinion that the death of Devoo Ganpat was caused by the wound of one of the bullet shots fired by two police officers. Although, we strongly condemn and deplore acts of hooliganism, we are sorry to say that in the present case, the police had no cause to open fire," observed the Coroner's jury in their verdict at the inquest held on Devoo Ganpat, a 'mali', who died as a result of the police opening fire in front of K.E.M. Hospital, on August 11. The inquest proceedings lasted more than a month.—U.P.I.

### HIGH-HANDEDNESS OF MAGISTRATES CRITICISED — DEFENCE RULES MUST NOT BE USED FOR GRATIFYING EXAGGERATED NOTIONS OF MAGISTERIAL DIGNITY — "THESE RULES MUST BE WORKED CAREFULLY IN VIEW OF THEIR VASTNESS OF POWER"

CALCUTTA, March 19.—"The Defence of India Rules give very wide powers to the Magistrates and because of this wideness of powers given to the Magistrate the Rules should be carefully and cautiously worked," observed Mr. Justice Sen of the Calcutta High Court, agreeing with the order of Mr. Justice Edgley that the proceedings pending against the petitioner, Lt. S. N. Ray before the Sub-Divisional Officer of Midnapore under the provisions of Rule 75-A of the Defence of India Rules be quashed.

Mr. Justice Sen added: "The rules are meant to be worked for the purposes of meeting conditions which have arisen owing to the war. In my opinion, the Rules have not been worked on the present case with this object in view.

"This prosecution is an example of pettifogging high-handedness arising out of the Magistrate's exaggerated notions of magisterial dignity.

"Prosecution should be instituted in order to punish a person for wilfully disobeying orders and not for the purpose of gratifying such exaggerated notions of Magisterial dignity as this Magistrate seems to have."

In his judgment, Mr. Justice Edgley stated 'inter alia' that it appeared that on October 30, 1942, the petitioner was served with a notice requisitioning his motor car for Government purposes. In the petition of complaint filed on January 4, 1943, it was alleged that he had committed an offence under the Defence of India Rules as he did not make over the car as directed until December 23, 1942.

The case for the petitioner was to the effect that he was employed by the Bengal-Nagpur Railway and his car had been included in the railway A.R.P. organisation as far back as October, 1942.

He maintained that the order of October 30 was ineffective, as his car had already been requisitioned for Government purposes.

### UNREASONABLE ATTITUDE

Mr. Justice Edgley remarked that having regard to the terms of certain letters of the District Magistrate of Midnapore on the subject, it was extremely difficult to understand why he should take any steps to prosecute the petitioner after the latter had surrendered his car on December 23, 1942.

It was difficult not to attribute the step taken by the District Magistrate in this matter at any rate to some degree to the unreasonable attitude which he had adopted on receipt of a copy of a letter from the agent, B. N. Railway, dated December 23, 1942.

That letter of the Agent was a protest to the Provincial Transport Officer and a copy of it was forwarded to the District Magistrate.

The judgment added that the latter appeared to have taken unreasonable exception to the terms of the letter addressed by the Agent to the Provincial Transport Officer, and on December 25 he (District Magistrate) addressed what could only be described as an extremely discourteous communication to the Agent, in which he said that it was presumptuous on the part of the Agent to arrogate to himself the right to sit in judgment on his action and that "I am consulting my law officers with a view to finding out whether or not you made yourself liable to any action for having described an act of mine as District Magistrate as high-handed."

His Lordship could not regard this as a 'bona fide' prosecution, and this being the case, the proceedings were quashed.—A.P.

### A MALA FIDE CASE

The "Amrita Bazaar Patrika" writes:—

The District Magistrate of Midnapore has been in the news since the devastating flood swept over that area in October last year, exacting a terrible toll of life and property. True to that tradition though built up in an incredibly short period, he figured prominently in an important case before the High Court of Calcutta on Wednesday last. The facts of the case are briefly stated: On the 30th October, an Indian officer of the Bengal-Nagpur Railway was served with a notice requisitioning his car for Government purposes. In the petition of complaint filed against him on the 4th January 1943, it was alleged that he had committed an offence under the Defence of India Rules as he did not make over the car as directed until December 23, 1942. On that petition proceedings were instituted before the Sub-Divisional Officer of Midnapur under Rule 75A of the Defence of India Rules. Mr. Roy, the Railway officer concerned, moved the High Court. His case was that his car had been commandeered on behalf of the Railway A. R. P. organisation before the District Magistrate's notice was served on him. He maintained that the Magistrate's order was accordingly, ineffective and that the prosecution was mala fide.

Delivering the judgment of the Court, Mr. Justice Edgley referred to the relevant correspondence between the parties. His lordship found that the decision of the District Magistrate to commandeer Mr. Roy's car, as revealed in the correspondence, could not have been communicated to the petitioner before the 21st December last. On the 23rd December Mr. Roy surrendered his car. In that view of the matter His Lordship has held that it could not be said that the petitioner was guilty of any negligence or undue delay in complying with the requisition order even if it were assumed that the order was valid in the circumstances set out. The sequel was interesting—His Lordship has said it was surprising. On the 23rd December the Agent of the Railway sent a written protest to the Provincial Transport Officer and a copy of that protest was forwarded to the District Magistrate. That lashed the District Magistrate into a fury and he addressed to the Agent what Mr. Justice Edgley has left constrained to describe as "an extremely discourteous communication." The Magistrate in his communication rebuked the Agent and said that it was presumptuous on his part to arrogate to himself the right to sit in judgment on the Magistrate's action. This was coupled with a threat, pointing out that the Magistrate was consulting his law officers to find out whether or not the Agent had made himself liable to any action for having described the Magistrate's act as 'high-handed.' A case of Papal infallibility! The Magistrate of Midnapur willed it and it had to be done. If anybody "misbehaved"—no matter whether he was the Agent of a railway or an important officer of a railway administration—the Magistrate was there, his legal officers were at his disposal and the whole machinery of law could be requisitioned to punish such a "prejudicial" act!

Unfortunately for the Magistrate, however, there is a High Court in Calcutta, two of whose judges refused to be impressed by the Magistrate's own inflated picture of himself. Mr. Justice Edgley held that he could not regard the proceedings as a bona fide prosecution and accordingly quashed them. Mr. Justice Sen, while concurring with his learned brother, observed that "this prosecution was an example of pettifogging highhandedness arising out of the Magistrate's exaggerated notions of his dignity." His Lordship proceeded to add that prosecution under the Defence of India Rules should not be instituted "for the purpose of gratifying such exaggerated notions of magisterial dignity as this Magistrate seems to have." Mr. Justice Sen further thought it proper to hold out a general warning. "The Defence of India Rules," he remarked, "give very wide powers to the magistrates, and because of this wideness of powers given to the magistrates, the Rules should be carefully and cautiously worked."

In the midst of so much confusion and carnage so much of arbitrary executive orders and Ordinances, it is refreshing to come across disposals of cases marked by the highest standard of Justice.

The Special Judge of Saran has acquitted the 12 accused who were being tried in connection with the murder of five British soldiers and an Anglo-Indian, Mr. R. Francis, at Marhowra on August 18, who had gone to disperse a meeting the members of which, it was alleged, had contemplated the looting of the Saran Engineering Works. The police had submitted a charge-sheet against 31 persons, of whom 16 were arrested and the rest are absconding. Four of these were discharged, as there was no evidence for framing charges against them. The rest were charged under various sections of the Indian Penal Code and the Defence Rules.

In the course of the judgment, the Special Judge observed: "Having regard, therefore, to the material before me, it would be impossible to give a finding as to the exact place of the alleged murder of the troops and as no witness came forward as having witnessed the murder, it will be equally impossible to hold definitely that the accused in this case had participated in any such murder. Owing to such evidence being unavailable, this unfortunate incident must remain shrouded in mystery". The trial which was held inside Chapra Jail continued for 16 days, in which 32 prosecution witnesses were examined.—A.P.I.

### AUGUST DISTURBANCES PUBLICATION—C. P. GOVT. TO ISSUE CORRECTION

NAGPUR, May 16.—The C. P. Government issued a correction slip to the book "The August 1942 Disturbances" published by them, incorporating certain observations of Mr. Justice Pollock, Reviewing Judge, on the judgment of Mr. T. D. Wickenden, Special Judge, in the case arising out of the murder of Balgovind, a police constable of Nagpur, in August last, the Secretary, Legal Department, C. P. Government has informed Mr. B. R. Mandlekar, an advocate.

The Secretary adds that the publication in question contains certain extracts from the judgments of the Special Judges and from the orders of the reviewing judge. Any person who so desires is at liberty to obtain certified copies of the judgments and orders to which this publication provides a guide.

"I am to add," says the Secretary, "that the inter-connection between the 'obiter dictum' of the Special Judge in para 10 of the judgment in the Constable Bolgovind Murder Case and para 10 of the Reviewing Judge's order was overlooked at the time of publication. The reason for the non-publication of the latter paragraph was, however, that it came at the end of the order, whereas the general remark of the Special Judge came in the middle of paragraph 15 which, together with the next two succeeding paragraphs, is described by the Special Judge as containing a discussion of the general character of the case.

"The Provincial Government are issuing a correction slip reproducing paragraph 10 of Mr. Justice Pollock's order on page 20 of the publication."

Mr. Mandlekar wrote to Government pointing out that the following passage from Mr. Wickenden's judgment had been reprinted in the publication of the C.P. Government:—"I am more inclined to take the view that because he (witness) is an official with a sense of responsibility, he might take to truth more than an ordinary citizen whose predilection for truth unfortunately in this country has never been greatly marked."

But the following remark of Mr. Justice Pollock with regard to the above had been omitted from the publication:—"The learned Judge's judgment contains a remark that the predilection of the ordinary citizen of this country for truth has unfortunately been never greatly marked. This remark was quite unnecessary for the decision of the case and was bound to cause offence. It should, therefore not have been made. Central remarks of this sort are out of place in a judgment."—U.P.

### ATTEMPT TO MAKE ORDER FUTILE — JUDGE'S REMARK — HIGH COURT REDUCES CASH SECURITY FROM RS. 2,000 TO 500

TUESDAY, July 13.—An important observation of far-reaching effect has been made by Mr. Justice Sinha at the Patna High Court today in connection with applications for bail on behalf of persons against the conviction of whom appeals have been filed under Ordinance XIX of 1943.

The appeals of Jagdeo Mahto and others were admitted by His Lordship and they were directed to be released on bail to the satisfaction of the District Magistrate.

When they approached the District Magistrate for being released on bail, he ordered them to furnish cash security of Rs. 2,000 each. They were eight in number and their total amount of cash securities came to Rs. 16,000. They, having become aggrieved by this order demanding cash securities of such high amount, came up before His Lordship.

His Lordship observed that such an order was rather unusual and there was an attempt to make the order of release of the High Court futile by demanding such a heavy security. His Lordship, therefore, reduced the amount of security to Rs. 500|- in each case in landed property.

Two interesting Judgments were delivered in two successive days, December 10 and 11, by two Judges of the Nagpur High Court which are of supreme legal and political interest. One of them relates:

**DETENTION UNDER DEFENCE RULES — RIGHT TO CHALLENGE VALIDITY — DETAILS OF NAGPUR JUDGES' ORDER**

NAGPUR, December 10.—A person detained under Defence of India Rules had a right to apply to the High Court under Section 491 of the Cr. P. C. challenging the validity of the detention. A judgment to this effect was given today by Mr. Justice Bose and Mr. Justice Pollock at the Nagpur High Court in a number of 'habeas corpus' applications, in which the validity was challenged, under Section 491, Cr. P. C. of the seven orders passed by Mr. A. G. F. Farquhar, Additional District Magistrate, Nagpur, in August and November last directing that the seven persons mentioned in the orders be detained in jail.

We may now note certain amazing incidents.

While no excuse can be pleaded by anyone for cases of removing fish-plates from a Railway track, the following case of attempting to remove fish-plates being awarded death penalty which was duly executed, may well go on record.

**SIND STUDENT EXECUTED — RAILWAY SABOTAGE**

KARACHI, January 22.—Hemu Kalani, a 20-year old student of Sukkur, who had been sentenced to death by a martial law court on a charge of attempting to remove fish-plates from the railway track near Sukkur and whose appeal for mercy had been rejected, was executed on Thursday morning at Hyderabad. Kalani's is the first case of a student arrested in connection with the attempted railway sabotage being awarded the capital punishment.

The sentence was followed by many appeals for mercy, including one by a deputation led by Mr. Jamshed N. Mehta, former Mayor of Karachi, which specially visited Hyderabad for the purpose. These appeals were rejected

**DURBAR FOR WITNESSES**

The "Tribune" writes:—

Some prosecution witnesses in a Kasur case received commendation certificates from the Governor at a Durbar in connection with the meritorious services rendered by them to the Government. The magistrate trying the case was also present at the Durbar. A natural presumption in such circumstances would be this: the magistrate could not ordinarily avoid being influenced by the fact that the recipients of the commendation certificates were in the good books of the Government. Proceeding on this presumption, the accused made a request to the High Court to the effect that their case should be transferred from his Court to another Court. Mr. Justice Blacker had no hesitation in accepting it. He declared: "There is a certain amount of apprehension felt by the petitioners that in the circumstances the magistrate might be handicapped in giving them an absolutely impartial enquiry." Had there been no Durbar, there would have been no petition and no transfer of the case from one Court to another, involving the waste of so much time, money and energy. But that is not our main complaint. Our main complaint is that the Durbar itself means the squandering of an enormous amount of time, money and energy. The only purpose it serves is that it exalts the bureaucracy and makes the people look small. It is a medieval institution. The fact that it survives in the Punjab shows how unreal the hold of democracy on the province is. In all those provinces in which nationalist democrats seized the reins of administration, the Durbar became a thing of the past. And even with the return of the Bureaucracy to power, it did not revive there. When will this anachronism be destroyed and buried in our province?

**AN INDEPENDENT VIEW**

The "Amrita Bazaar Patrika" writes:—

It is rarely that the magistracy takes so independent a view of its duty even when performing judicial functions. Mr. S. K. Das, a Special Magistrate of Dibrugarh (Assam), disposed of a case in the second week of

June 1943 in which he had to consider the justifiability or otherwise of the firing by the Police on a crowd. A mob is said to have attacked a Police station, and the Police, it was stated by the Chief Minister of the Province, Sir Mohammad Saadullah, on the floor of the Assembly, had fired in "self-defence." On that ground he refused an enquiry though grave allegations of indiscriminate and cruel firing were made by certain members of the Assembly. The Chief Minister, who made no personal enquiry stated as he was briefed. Several casualties in killed and injured took place and some of the survivors were prosecuted by the Police and placed for trial before the Special Magistrate concerned. The Magistrate's findings do not support the statement of the Chief Minister. The Magistrate observes in his judgment: "They (the Police) fired and fired at the fleeing crowd and anybody and everybody and probably someone also chased the fleeing people by the road to some distance. A dead body was found in the 'hatkhola' to the south of the thana building, one was found to the south of the thana culvert, another, that of a young girl, near the culvert over the P.W.D. road in front of Satis Biswas's shop, a dead body was found later on near the Godajhali river at a distance of more than a mile from the Police station. The man found dead at the 'hatkhola' was a beggar. These facts go to prove that the firing resorted to by th constables was indiscriminate, uncontrolled and cowardly."

**ORDER FOR CASH BAIL — HELD ILLEGAL — ANOTHER HIGH COURT JUDGMENT**

WEDNESDAY, July 21.—Another judgment declaring the order directing a prisoner to deposit cash security as a condition precedent to his release on bail as illegal has been delivered by Mr. Justice Sinha at the Patna High Court today.

This was an application on behalf of conviction and sentence passed by the nine persons whose appeal against the conviction and sentence passed by the Special Judge of Darbhanga was admitted by this Court and the appellants were ordered to be released on bail to the satisfaction of the District Magistrate. The District Magistrate, Darbhanga, demanded a cash security of Rs. 500 each plus a bond of Rs. 1,000 and two sureties of Rs. 500 each.

His Lordship said that if the District Magistrate had only cared to look into the provisions of chapter 39 of the Criminal Procedure Code, he would have come to the conclusion that such an order was illegal. He might insist on sufficient security which should be fixed "with due regard of the circumstances of the case and shall not be excessive." There was no provision in law authorising the magistrate to insist upon cash payment by accused persons in order to be released on bail. His Lordship directed the District Magistrate to expedite the release of the petitioners on bail as sufficient time had elapsed since the High Court passed the Order for such release.

Mr. Nawadip Chandra Ghose appeared for the petitioners.

WARDHA, April 5.—"Reading the Independence Pledge as a whole I cannot say that it is likely to incite people to attempt by violence or public disorder to subvert Government for the time being established in British India. This Pledge, I am told, is read every year on the 26th January and no one has been prosecuted upto now. If this is the case and Government has not banned it or taken any action with regard to it, it must be inferred that it did not cause any uneasiness to it. For these reasons the exhibits (about Independence Pledge) cannot be regarded as prejudicial reports." Thus observed Mr. J. R. Mudholkar, Bar-at-Law, Sessions Judge, Wardha, while acquitting the accused Totaram Valecha, Karachi, and Ramachandra Bhatt, Mangalore (South India), both students of Maganwadi, Wardha, who were convicted under Rule 39(1) b(6) of Defence Act, and sentenced to one month's imprisonment by the 1st Class Magistrate for being in possession of the Independence Pledge. Similarly, Mrs. Shan-

tabai Kale (Nalwadi) and Mrs. Vimalabai Chitre, (Maganwadi) Wardha were acquitted of this charge.

### "TRAVESTY OF JUSTICE"

NAGPUR, March 27.—"How a trying magistrate can take the view that he has of this material, how he could ignore all these things and fail to discuss the evidence and how he could dare to send men, who are presumed to be innocent until they are proved guilty, to jail on such material, I could not know. It is making a travesty of justice, and I can only express my opinion that the magistrate is totally unfitted to exercise the powers which he was holding then, and, as far as I can see, any magisterial power of importance. The evidence which connects the accused with the incident is so utterly unreliable that it must be disregarded; and that means nothing remains against them." With these words Mr. T. D. Wickenden, I.C.S., Sessions Judge, Nagpur, set aside the conviction on seven accused who had been sentenced by Mr. K. D. Banerji, Special Magistrate, to 27 months' imprisonment on a charge of burning a police 'naka' in Nagpur on August 12 last.

Mr. Wickenden added: "It would appear that the trying magistrate is of the view that the Special Criminal Courts Ordinance abrogates the Indian Penal Code and the Indian Evidence Act, with the result that cases have to be decided in the light of nature." The Sessions Judge further held that the evidence against the accused, which consisted only of the deposition of two constables, was utterly unreliable.—United Press.

Mr. Wickenden observed "these accused have been convicted on the evidence of two men, both constables. The words of two men send seven men to jail for a period of two years each. That is perfectly in order, provided witnesses are worthy of reliance."

### NAGPUR JUDGE'S STRICTURES ON MAGISTRATE

NAGPUR, March 12.—The order passed by the Additional District Magistrate, Nagpur, upholding seizure by the Executive of the entire property of a joint family against one member of which, Maganlal Bagdi by name, the Provincial Government had issued a proclamation for surrender in connection with the disturbances of August last, came in for severe criticism by Mr. Wickendon, Sessions Judge, Nagpur.

Maganlal Bagdi is still absconding, and his family filed an application against the order for seizing the property under Section 88 of the Criminal Procedure Code. The Additional District Magistrate applied Rule 24 of the Special Criminal Courts Ordinance and the Collective Fines Ordinance to justify the seizure.

The Sessions Judge, in revision, observed that the Magistrate's order took away the ordinary right of revision under Section 435 of the Criminal Procedure Code and added "Right or wrong, the order is not susceptible of further investigation and therefore this application is bound to fail". The Judge proceeded to say: "I cannot, however, leave the matter without commenting on the order that has been passed. As the Learned Public Prosecutor concedes it is wholly untenable. It is almost inconceivable that a Magistrate with the experience of an Additional District Magistrate, who passed the order, could have acted on the authority that he purports to. He applied the Special Criminal Courts Ordinance, although he was acting in his ordinary capacity as a Magistrate empowered under the Criminal Procedure Code. He signs himself as 'City Magistrate and Additional District Magistrate'. The Ordinance, therefore, never came into operation. Even if it did, Section 24 has nothing to do with proceedings of this kind. Section 24 simply lays down special provisions for recovery of fine after conviction. There is nothing in the Ordinance about how an absconder may be brought to heel. As for the Collective Fines Ordinance by what stretch of imagination this has anything to do with an absconding accused, I fail to understand.

"It would appear," the Judge continued "that the Additional District Magistrate set out to maintain the order which had been passed and was oblivious of any law that might be in favour of the applicants. A civil suit of course is bound to succeed and the Government will be placed in an untenable position. The Assistant Public Prosecutor says that he has taken steps to bring the illegality in the order to the notice of the proper authorities, and would only say that action by Government is necessary without delay."—"The Hindu."

### "ATTEMPT TO PARALYSE OPERATIONS OF GOVERNMENT" — 14 PERSONS SENTENCED IN CUTTACK CASE — STORY OF "SPECIAL INSTRUCTIONS FROM GANDHIJI"

CUTTACK, April 10.—Mr. J. E. Maher, I.C.S., Special Judge, who tried the case against Surendranath Dwivedi, a journalist and a member of the A.I.C.C., Mr. Loknath Misra, M.L.A. and 14 others in connection with the recent disturbances in the province, passed certain interesting remarks in course of his judgment. Fourteen of the accused were convicted, Dwivedi getting six years' R. I. and the rest 4 years' R. I. each. They stood charged under several sections of the Defence of India Rules, the Railway Act, the Telegraph Act and the Indian Penal Code.

The Judge said in course of his judgment that he watched the accused during many of the days of the trial and thought that according to their lights they had been acting honestly. He thought also that they had all supposed that they had been acting under the instructions of people whom they respected and whom they felt themselves bound to obey.

The Judge continued, "In many, indeed in nearly all the bulletins the activities that I have described, the uprooting of railways, the burning of Police Stations, the seizure of Government officers are referred to as the response of the people to the Congress call. In a letter from Surendra Nath Dwivedi to Gaur Charan Das in Balasore it is said 'yesterday a man came here from the A.I.C.C. I met him. They have received special instruction from Gandhiji. It is that the movement should any how be finished before October'. He then immediately proceeded to refer to the destruction of communications in Bihar and to the necessity of cutting the line between Calcutta and Cuttack.

"It may well be that Surendranath Dwivedi considered himself bound by the orders of his superior officers. A bulletin purporting to be from the All India Congress Committee was seized from a house in Alisha Bazar in which the interruption of communications and riots are referred to with apparent approval. There was a pamphlet in English, 'India Declares War,' found in the house which purports on the back page and elsewhere to circulate the instructions of Mr. Gandhi. There it is said that deadlock should be created in the Government machinery, in railways, posts, telegraphs and the police. Even if I regard these accused as men who felt bound to obey orders, this is no excuse for their crime. There can be no doubt that that bulletin, which is headed 'Open Rebellion,' accurately describes the situation. The object of these people was to paralyse the operations of Government and to paralyse them by the use of violence.

"I am well aware that in many places in the documents which have been exhibited in this case it is stressed that personal violence must never be used. I do not know, however, how these men expected to uproot communications and to capture Police stations without the use of violence. It may be there was some idea of using persuasion upon the Police though the events which occurred at Nimapara and Bhandari Pokhari do not lend any support to this notion. Even if there was this idea, it is clear from the numerous references to the burning of police stations and specially from the detailed instructions that whether the Police were persuaded or not the thanas were to be captured. These special instructions about capturing thanas are indeed a 'reductio ad absurdum' of the doctrine of non-

violence. For the non-violent creed a crowd selected from people who, as Surendra Nath Dwivedi himself laments in one of the letters, have no political consciousness, were to take lathis and sticks to aid them in carrying out their non-violent purpose. No one could suppose that an armed crowd of rustics would refrain from violence and in the event they did not. The accused were either prepared to use violence to achieve their end, so that their references to non-violence are merely hypocritical, or they were deficient in intelligence. Some of them at any rate are not. They have attempted a rebellion and they must suffer the consequences." —U.P.

## PLEDGE NOT DECLARED UNLAWFUL BY GOVERNMENT

In the course of his judgment the Sessions Judge made the following among other observations:

The learned Magistrate who tried the case has said that the pledge "contains prejudicial reports and the most noticeable instance is found towards the end of para 1". The portion which he mentions is "The British Government in India has not only deprived the Indian people of their freedom but has based itself on the exploitation of the masses and has ruined them economically, politically, culturally and spiritually."

A study in contrast is also furnished by two judgments coming from the Districts, Wardha and Cuttack in April within 5 days of each other.

WARDHA, April 5.—"Reading the Independence Pledge as a whole I cannot say that it is likely to incite people to attempt to violence or public disorder to subvert Government for the time being established in British India. This Pledge, I am told, is read every year on the 26th January and no one has been prosecuted upto now. If this is the case and Government has not banned it or taken any action with regard to it, it must be inferred that it did not cause any uneasiness to it. For these reasons the exhibits (about Independence Pledge) cannot be regarded as prejudicial reports", thus observed Mr. J. R. Mudholkar, Bar-at-Law, Sessions Judge, Wardha, while acquitting the accused Totaram Valecha, Karachi, and Ramachandra Bhatt, Mangalore (South India), both students of Maganwadi, Wardha, who were convicted under Rule 39(1) b(6) of Defence Act, and sentenced to one month's imprisonment by the 1st Class Magistrate for being in possession of the Independence Pledge. Similarly, Mrs. Shantabai Kale (Nalwadi) and Mrs. Vimalabai Chitre, (Maganwadi) Wardha, were acquitted of this charge.

## FOUR SENTENCED TO DEATH

NEW DELHI, July 10.—Agreeing with the assessors, Mr. D. Falshaw, District and Sessions Judge of Delhi, has sentenced four members of the armed police to death for shooting three boys.

The prosecution case was that the accused, who were on duty guarding railway lines on the night of October 30, 1942, caught four boys who were gathering coal on the permanent way near the Kishanganj railway station took them towards Gaziabad alone the railway line and on reaching the Silampore level crossing beyond the Jumna bridge lined them up and shot three of them at point blank range.

One of the boys, Mohammed Din, who managed to escape told the court that they fell at the feet of the accused and begged for mercy but were shot at. Two boys dropped dead and the third staggered. Mohammed Din caught hold of him and using him as a shield dropped on the ground as if he were dead. Just then a goods train stopped at the spot as the bodies were lying on the railway track, and as the engine driver started talking to the accused, Mohammed Din seized the opportunity to escape. —A.P.

### BIGGER REWARD FOR ARREST OF JAIPRAKASH NARAIN

PATNA.—The reward of Rs. 5,000 offered by the Bihar Government for information leading to the arrest of Babu Jai Prakash Narain who escaped from the Hazaribagh Central Jail about November 9, 1942, has now been increased to Rs. 10,000.

How there are people in this world to turn to selfish account even national disasters is shown by this following event in U.P. which resulted in "Naik" and four constables being severely punished:

ALLAHABAD, April 7.—"As the case stands, it is one of cold-blooded murder. Not only that, the putting up of a nut-cracker on the telegraph wire and producing thereby some marks also indicating attempted sabotage the display of a Congress flag on the ground near the telegraph post and another nut-cracker, resting of a crowbar against the post after having dug a hole at its foot, showed that the accused had probably hatched a conspiracy to make out a case of attempted sabotage and to represent that they had effectively dealt with it in time, and thus to earn a reward for the same. The scheme which was thus to kill two birds with one stone, unfortunately ended in the murder of two human beings."

With the above observations Mr. N. A. Abbasi, Deputy-Collecter, committed to sessions Naik Shamsuddin and constables Muhammad Idris, Safdar Husain, Muhammad Raza and Ahmad Husain of the Special Armed Constabulary to stand their trial for the murder of a Bania and his wife of village Lutar on the night of December 17, last.

The prosecution alleged that the accused visited village Lutar on December 16, extorted some illegal gratification from a couple of Banias on the pretext of their weights being short and that a quarrel ensued between the Naik and Ram Dulare on the latter giving bribe. On the following night they came to his house, caught hold of Ram Dulare and took him away. His wife followed them shouting for help and was shot by the police patrol party in a grove. The S.A.C. constables tied Ram Dulare to a telegraph post and shot him dead.—U.P.

### THE JUDGMENT

ALLAHABAD, August 3.—Holding that the case against the accused was fully established and that the evidence against them both circumstantial and direct was overwhelming, the Sessions Judge of Allahabad sentenced Naik Shamsuddin and Lance Naik Safdar Hussain of the special armed constabulary to capital punishment in double murder case in which a bania and his wife of the village Lutar in Meja Police circle of this district were shot dead by the accused.

Three other members of the S.A.C., namely, Mohammad Idri, Ahmed Hussain and Mohammad Raza who were only 21, 20 and 19 years old respectively and who participated in this crime under the orders of "their chief" were sentenced to transportation for life.

All the five accused were also sentenced to three years' R.I. under section 148 (rioting) I.P.C.

The prosecution story was that the accused shot dead a Bania woman in the grave and her husband near a telegraph pole on the railway line near a village during August Disturbances without any reasonable ground. It was alleged that they dragged a Bania from his house to telegraph pole owing to a private quarrel, and his wife followed her husband shouting for help. The accused pleaded self-defence in the exercise of their official duty.

### ORDER PROHIBITING MEETINGS AND PROCESSIONS "ULTRA VIRES" —SESSIONS JUDGE ACQUITS CHITTOOR ACCUSED

CHITTOOR, March 17.—The order promulgated by the District Magistrate in August last prohibiting the holding of any public meeting or pro-

cession by Congressmen and sympathisers of the Indian National Congress throughout the District of Chittoor until further orders was 'ultra vires', observed Mr. W. O. Newsam, I.C.S., District and Sessions Judge, passing orders in an appeal today acquitting Mr. T. K. T. Veeraragavachari, retired District Board Engineer, who was sentenced by the Lower Court to pay a fine of Rs. 75 in default one month's rigorous imprisonment under the Defence of India Rules for alleged violation of the District Magistrate's order.

In the course of his judgment the Sessions Judge observed that it was not permissible or lawful under Rule 56 of the Defence Rules to prohibit public meetings by a class of persons described somewhat vaguely as sympathisers of the activities of the Indian National Congress.

The object of Rule 56 was to secure the Defence of India public safety the maintenance of public order and the efficient prosecution of the war.

An order made under this Rule must necessarily apply to all persons within a specified area without distinction of race or creed or party.

It would be unlawful to discriminate between persons, to allow public processions or public meetings by persons of a particular way of thinking.

The Judge added: To discriminate in this manner would be to set a premium on hypocrisy and to import words into the rule which were not there.

Under the rule public meetings might be wholly forbidden or restricted, i.e., allowed on certain conditions, but no power at all was given to set a ban on persons of certain sympathies in the matter of holding public meetings. The Judge, therefore, held the order of the District Magistrate 'ultra vires.'—A.P.

## SPECIAL ARMED CONSTABLES' CASE APPEAL — THIRD JUDGE'S OPINION

ALLAHABAD, April 6.—His Lordship Mr. Justice Hamilton delivered his opinion today in the case referred to him under section 429 Cr. P. C. in which the Chief Justice and Mr. Justice Dar differed as regards the guilt of the appellants.

The sessions judge of Allahabad sentenced the appellants Naik Shamsuddin and Lance Naik Safdar Husain to death and the remaining appellants, constables, Mohammad Idris, Ahmad Husain and Mohammad Raza to transportation for life. The victims of the two murders were Dulare and his wife Mst. Thakuri.

The differing judges agreed that should the decision of a third judge be in favour of conviction the sentence of transportation should be substituted for the sentence of death.

On the night of December 17, 1942, Dulare died from wound caused by three rifle bullets and that his wife died from the wound caused by one rifle bullet.

His Lordship said that counsel for the appellants 'has urged that when there is disagreement in a bench, as in the present case, the decision in favour of acquittal should also be the decision of the third judge unless that decision is perverse. I cannot imagine that when the legislature framed section 429 Cr. P. C., it had in its mind that it was possible for a judge of a High Court to come to a perverse decision. I am using the word "possible" in the colloquial sense of the word because if a judge of a High Court wishes to give a perverse decision, no one can stop him, but one cannot conceive that he would do such a thing. The proviso put forward by learned Counsel may, therefore, be disregarded. If we hold that because one learned judge of a High Court held that there was doubt justifying an acquittal the third judge should 'ipso facto' acquit, there would be no point in section 429 and the legislature would have laid down that in cases of disagreement the opinion in favour of acquittal should outweigh the

other and the appeal should be allowed. I may note that originally such cases of differences of opinion came under the Letters Patent and the decision of the senior judge held good whether it was in favour of acquittal or of conviction. But under section 429 Cr. P. C. it appears to me that the opinions of the two judges are considered to have equal value. Such differences are usually due to the fact that one judge considers one or more facts to have been proved or draws certain inference from facts which both judges consider to have been proved and the other judge comes to a contrary conclusion. In my opinion the duty of the third judge is to give equal weight to the conflicting decisions, to examine specially the points where they conflict, to come to his own findings and to give his decision remembering the well known principles of law that the benefit of doubt goes to the accused. There have been of course numerous decisions of various judges of this court in cases under section 429 in which the decision was in favour of conviction.'

After dealing with the whole evidence in the case, his Lordship remarked, 'I find that the story of the accused that there was a gang of men intending to tamper with the telephone wires which gang included Dulare is false because the injuries give the lie to the story that Dulare was shot while on a telegraph pole and because there are a number of improbabilities which taken together negative the story of the accused. Once that is gone, there is no credible explanation other than that given by the prosecution for the presence of the accused in the grove where Mst. Thakuri was shot. Whether Mst. Thakuri was alone or whether there were villagers there becomes immaterial.'

His Lordship further observed, 'I believe the story of the occurrence on the 16th and find the evidence sufficient to establish that the Sipahi was Shamsuddin and also believe the story that the five accused led Dulare from his house.' As there was concerted firing his lordship was of opinion that all the accused were guilty.

"I have found nothing in the record," His Lordship said, "to support the suggestion made by the defence that the investigating officer either started a false case or supported a false case which was started by the villagers". The accusations made against him by Daulat Singh and Sadaqat Husain, Company and Platoon Commanders, S. A. C. whose conduct in this case his Lordship found to be unsatisfactory were introduced to mislead their superior officer, Mr. Seward.

Finding that the accused had been correctly convicted by the sessions judge on two charges under section 302 by the application of section 149 and on one charge under section 148 I.P.C. His Lordship was of opinion that the appeals of Mohamad Idris, Ahmad Husain and Mohamad Raza—constables—should be dismissed and because the learned judges that formed the bench agreed on this point the appeals of Shamsuddin and Safdar Husain should be allowed to this extent only that the sentence of transportation for life should be substituted for the sentence of death passed on them under section 302.

## SEQUEL TO STREET INCIDENT

Before Mr. Justice Edgley and Mr. Justice Das a rule was obtained by the petitioners Jitendra Mohan De and Jogendra Mohan De against their conviction for riotous behaviour in a public street under section 41 of the Calcutta Suburban Police Act and the sentence of seven days' R.I. passed on each of them by an Alipore Magistrate. Petitioner Jogendra was also found guilty under Section 353 I.P.C. for assaulting a civic guard in the execution of his duty and sentenced to two months' R.I. On appeal the Sessions Judge of Alipore reduced the sentence of Jogendra to one month's R.I. to run concurrently with the sentence imposed on the other charge. Against these orders the present rule was obtained.

Mr. Anil Chandra Roy Chaudhuri and Mr. Asokenath Mukherji appeared for the petitioners; the Deputy Legal Remembrancer (Mr. Amiruddin Ahmed) for the Crown.

His Lordship said that certain papers had been placed before the Court by the Deputy Legal Remembrancer on behalf of the Crown on the basis of which he contended that the civic guards in Calcutta had been properly constituted under the directions of Ordinance VIII of 1940 with effect from April 26, 1941. He further argued that these papers indicated that the civic guards had been duly and properly called out on duty as required by Section 4 of the Ordinance read with paras 5, 6 and 7 of the rules under the Ordinance.

His Lordship then referred to these papers which, inter alia, consisted of a letter dated April 26, 1941, addressed by the Commissioner of Police to the Deputy Secretary to the Bengal Government in the Home Department in connection with the matter, and also to some notes which the Commissioner of Police appeared to have prepared on April 27, 1941, under the heading "Civic Guard Patrols" dealing with the general organisation of the civic guards, and observed that it was of course possible to argue on the basis of the notes recorded by the Commissioner of Police on April 27, 1941, that the civic guards had been called out on duty, but the fact remained that this calling out on duty was not in compliance with the provision of Section 4 of the Ordinance read with para 6 of the rules. (Rule 6 provided that the civic guards might be called out on duty to assist the regular police in the protection of the civil population against the forces of crime and disorder; and Rule 7 provided that in Calcutta only the Commissioner of Police should call out the civic guards for duty and such orders should be notified in the "Calcutta Police Gazette").

His Lordship said that admittedly in this case the orders calling out the civic guards for duty had not been published in the "Calcutta Police Gazette" as required by Rule 7 of the rules issued under Notification dated October 26, 1940. The language of Rule 7 which was one of the rules made by Government under Section 8 of the Ordinance was clear to the effect that any order calling out the civic guards for duty must be notified in the "Calcutta Police Gazette" and in his Lordship's view, until and unless this mandatory provision of Rule 7 was observed, it could not be said that the civic guards had been called out for duty and they could not, therefore, legally perform any of the functions with which the police officers were specially invested under the law. It followed, therefore, that until such time as the civic guards had been legally called out for duty and that order calling them out for duty had been notified in the "Calcutta Police Gazette," the members of the civic guard were merely empowered to perform duties which an ordinary citizen might perform, and they were invested with the further duties mentioned in para 5 of the rules regarding regular attendance at parades and lectures, and they were required to obey the lawful orders of their superior officers.

His Lordship held that having regard to the mandatory provision of Rule 7, the civic guards had not been called out on duty as the orders purporting to call them out had not been notified in the "Calcutta Police Gazette."

Even if it could be argued that the members of the civic guard were technically public servants, his Lordship continued, it could not certainly be held that they were acting in the execution of their duty as such public servants. Having regard to the circumstances mentioned above, these civic guards had no authority to arrest petitioner Jogendra, because in the circumstances of this particular case Jogendra could only have been arrested by a police officer in accordance with the provision of Section 43 of the Calcutta Suburban Police Act (II of 1866).

It followed, his Lordship observed, that the prosecution had not been able to show that Jogendra committed any offence under Section 353 I.P.C. As the civic guards who attempted to arrest him had not been properly and legally called out for duty, they were not authorised to exercise any of the special powers of a police officer and petitioner Jogendra was justified in resisting arrest.

His Lordship affirmed the conviction of the petitioners under Section 41 of the Calcutta Suburban Police Act but reduced their sentence to the period already undergone. As regards the conviction of petitioner Jogendra under Section 353 I.P.C., his Lordship set that aside and directed that petitioner Jogendra be acquitted of the charge under that section.

Mr. Justice Das agreed.

### PURCHASING CONGRESS FLAG — FINE IMPOSED — HIGH COURT SETS ASIDE CONVICTION

LAHORE, November 12.—The story how a resident of Multan was fined Rs. 25 for purchasing a Congress flag on payment of one anna was recalled today in the High Court. Mr. Justice Mehr Chand Mahajan accepted the revision petition of the purchaser, Mr. Devi Das of Multan and set aside his conviction and sentence of fine.

Mr. Devi Das, a salesman at a shop in Multan, bought a Congress flag for one anna on January 25 last and was arrested on January 27 under Section 17 Criminal Law Amendment Act of 1908 for alleged contribution to the Congress fund, the Congress body having been declared unlawful under that Act. He was fined Rs. 25 by a magistrate of the lower court and on a revision application the Sessions Judge, Multan, recommended to the High Court that the conviction and sentence be set aside. The revision petition was accepted today.

### POLICE INSPECTOR ON TRIAL — EXEMPTION PETITION REJECTED

MUZAFFARPUR, August 23.—The petition of Arjun Singh, formerly officiating Inspector of Police, Sitamarhi, praying for exemption from prosecution under the Indemnity Act, was rejected by the District Magistrate of Muzaffarpur and the Magistrate has directed the case to be heard before the Magistrate of Sitamarhi.

He was charged with having committed robbery in the house of one Bali Ram Tewari, a zemindar of Sitamarhi, during the last August disturbances and taken away properties worth Rs. 10,000. It may be recalled that in another case he has been sentenced to undergo rigorous imprisonment for 7 years and fined Rs. 2,000 by the Additional District and Sessions Judge on a charge of dacoity in Pubri Thana.

### CONVICTION SET ASIDE — CONGRESS IS NOT AN UNLAWFUL BODY, OBSERVES JUSTICE BEEVOR

PATNA, November 16.—"It seems to me quite clear that the various committees of the Indian National Congress may be considered to exist in order to assist or further the objects of the Indian National Congress but it cannot be said that Congress itself exists to further or assist the objects of any committee. It is, therefore, quite clear that the Indian National Congress has not been declared to be an unlawful association." Thus observed Mr. Justice Beevor, sitting with Mr. Justice Varma at the Patna High Court today in course of a judgment of an application in revision on behalf of Jagernath Tewari who had been convicted by a Special Magistrate of Motihari under Section 17 (2) of the Criminal Law Amendment Act and sentenced to undergo two years' R.I.

The charge for which the petitioner was tried in the court below was that he promoted a meeting of the Congress which has been declared to be an unlawful association.

It was contended on behalf of the petitioner that only various Congress Committees had been declared unlawful and not the Congress itself.

Their Lordships agreed with the above contention, set aside the conviction and the sentence of the petitioner and acquitted him.

Mr. K. P. Upadhya appeared for the petitioner while Mr. Meddi Imam for the Crown.

## MADHEPUR THANA RAID CASE

Varma and Meredith, J.J., disposed of today the appeal of Mahadeo Missir, Mahabir Singh, and Sitaram Suri who were convicted by the Special Magistrate of Madhubani for offences under sections 395 and 435 I.P.C. and Defence of India Rules 38(5) and 56(4) and sentenced each to five years' R.I. under section 395 I.P.C. and two years under the D.I.R.

The case for the prosecution was that on the 14th August, 1942, a mob of about 10,000 men, armed with lathis, spears and other weapons entered the thana compound at Madhepur, injured a number of constables and chaukidars, broke into the thana, burnt records, furniture and other things and looted a number of articles and a considerable sum in cash. They confined the sub-inspector in his quarters and compelled him to write a letter of resignation.

The case against the appellants was that they were members of this mob.

Whether the appellants were actually guilty or not, their Lordships observed that it was impossible to determine, because the trial held under the provisions of the Ordinance was of the most summary description, and the appellants declined to have anything to do with the proceedings, and there was no cross-examinations and further that the judgments written by the magistrate was not in accordance with the law. In these circumstances, while allowing the appeal and setting aside the convictions and sentences, in view of the serious nature of the offences alleged, their Lordships directed that the appellants be retried in accordance with the law and pending the retrial be released on bail to the satisfaction of the District Magistrate.

## GARKHA POLICE STATION RAID CASE

PATNA, November 2.—At the Patna High Court today, Mr. Justice Shearer and Mr. Justice Sinha disposed of bail applications on behalf of three persons who had been arrested on a charge of being members of unlawful assembly which had taken part in damaging and looting the Garkha police station in the district of Saran on the 19th August 1942. In connection with this occurrence Mr. Jaglal Chaudhury, M.L.A. ex-Minister, Bihar was arrested and sentenced to undergo terms of imprisonment. An appeal is pending in the High Court against the convictions of the accused persons. These three petitioners were absconding and were arrested in the first week of the last month. Their petition for bail was refused by the courts below.

It was argued on behalf of the petitioners that up to this time there was no material on record to show that they were members of that unlawful assembly. There was no statement by witnesses before the police, no case diary, no first information and no test identification. So far as absconding was concerned, it was contended, it was only a paper transaction.

Their Lordships granted bail to all the three petitioners.

Mr. Jaleshwar Prasad appeared for the petitioners.

## TRIAL WITHOUT JURISDICTION

Mr. Justice Agarwala and Mr. Justice Reuben disposed of the appeal of Kamla Kant Lal Das who had been convicted by a special magistrate of Darbhanga and sentenced to undergo five years' R.I.

The prosecution alleged that a huge mob was proceeding to the Darbhanga collectorate to pull down the Union Jack and hoist the Congress flag in its place. A police force arrived and dispersed the mob. The appellant refused to disperse and hence he was arrested.

Their Lordships said that the magistrate had no jurisdiction to try the appellant and hence the trial was invalid. On this view of the matter Their Lordships acquitted the appellant.

### GANDHIJI'S RELEASE DEMANDED — "IT IS NO OFFENCE" — HYDERABAD JUDGE ACQUITS STUDENT

HYDERABAD, (Sind), October 2.—"I do not think that it is an offence for people to agitate for the release of Mahatma Gandhi and other Congress leaders. In fact, some of the prominent leaders like Sir Tej Bahadur Sapru and others have been doing this. It is no offence if a person criticises the act of the Government in putting in jail these gentlemen." Thus observed Mr. Kapadia, Sessions Judge, Hyderabad, while setting aside the conviction of Mr. Gopaldas Udharam, a local college student, who had been sentenced to imprisonment till the rising of the court and a fine of Rs. 400 by the City Magistrate on a charge of having delivered a prejudicial speech under Rules 38 and 34 of the Defence of India Act.

The following was the speech delivered by Mr. Gopaldas:--"Mahatma Gandhi, Pandit Jawaharlal Nehru and Maulana Azad are lying in jail on account of their struggle for freedom of India. We should not indulge in pleasures at such a time, but we should also join and get them all released and attempt to get freedom for India."

According to the City Magistrate, this speech amounted to a prejudicial speech, punishable under the Defence of India Rules. The Sessions Judge, disagreeing with the lower court, set aside the conviction, remarking, that he had read the speech several times, but had been unable to draw the attributed implication from the papers before him.—U.P.

### POLICE OFFICER'S CONDUCT CRITICISED BY JUDGE

PATNA, September 11.—"The facts of this case are hidden under such a mass of perjury, chicanery and corruption that it is impossible to get at them. The one is that Mr. Bindeshari Prasad Mishra, of Singhia Thana, and his subordinates have by their dishonesty prevented from being brought to justice a number of persons concerned in a dastardly crime," observed Mr. Justice Agarwala, agreeing with Mr. Justice Brough, in acquitting on appeal eleven persons sentenced to transportation for life by the Special Judge of Darbhanga on a charge of committing dacoity with murder. The case arose out of a raid on the Singhia Thana on August 17 last year when the records of the Thana were burnt, properties looted, a policeman was assaulted and a sub-inspector killed. His Lordship added that in spite of the findings of the Special Judge, Mr. Mishra was still performing the functions of a police officer. It was not often that the judicial records of a case contained materials whereon allegations could be established; but when there was evidence to establish charges, it was all the more necessary that guilty culprits should be suitably punished."—United Press.

### PESHAWAR EXPRESS DERAILMENT CASE — ACCUSED ACQUITTED "APPROVERS HAVE BEEN TUTORED" SAYS JUDGE

JALGAON, November 9.—Agreeing with the unanimous verdict of not guilty of the assessors, Mr. A. R. Khan, Sessions Judge Jalgaon, acquitted on Tuesday all the eleven accused in the Peshawar Express Derailment Case.

The prosecution case was that on the night of October 2-3 last year, the Down Peshawar Express was derailed near Chalisgaon, as a result of which 14 passengers were instantaneously killed and over 40 injured. Five bogies were smashed. The accused were charged with having removed the rails and they were stated to have conspired in Vadale Village to derail a train in pursuance of a political programme of sabotage.

The Judge held that though the Peshawar Express derailment was due to sabotage, there was no evidence to show that the accused had removed

the rail. He disbelieved the evidence of the two approvers in the case, stating that they appeared to have been tutored. He also held that the confessions of the accused were neither true nor voluntarily made.

The accused were charged with offences under the Railways Act, the Defence of India Rules and Section 302, I.P.C. (murder).

In their statements before the court, the accused denied having committed the offence and said that they were forced to make certain confessions before the police. They also denied having any connection with the Congress.—A.P.

It is reported in "The Statesman" of October 19, 1944 that Sachindra Nath Saha, an A.R.P. Warden of the Kidderpore Docks has been convicted under the D.I. Rules and fined Rs. 20 or four days R.I. by Mr. R. Gupta, Chief Presidency Magistrate, Calcutta for writing to his wife asking her not to return as "there might be air raids on the city."

It is my understanding that Government require reasonable black-out precautions to be continued in the city. That blast walls, slit trenches etc. should be maintained. That A.R.P. duties should remain in force. And personally I deduce from these measures that Government has in mind the possibility of the city being subjected to air raids, otherwise their continuation appears to be without significance.

If this is the case I fail to see that Sachindra Nath Saha has committed any offence by informing his wife that "there might be air raids on the city." The gentleman's present means of livelihood appears to depend on Government's opinion being identical with his own—Confused.

If there is nothing else in the case than what has appeared in the newspaper reports we think the fine should be returned. If appeal is possible the appropriate department of Government might itself put in an appeal and ease the perplexed public mind. An A.R.P. warden can hardly face the cost of appeal himself.

**THEY ARE OUR COUNTRYMEN!**

The "Amrita Bazaar Patrika" writes:—

Having swallowed a camel one should not strain at a gnat. This must be the feeling of the Indian public as they see from day to day the misuse of the Defence of India Rules for what they have come to consider comparatively unimportant purposes. Recently certain cases have been disposed of by the Presidency Magistrates of Calcutta in which the accused persons holding high positions in public life were prosecuted for presiding over or organising public meetings in the city either without the permission of the Commissioner of Police or for having allowed the use of light not properly shaded as required by the Lighting Restriction Order. An ex-Mayor of Calcutta, Mr. Sanat Kumar Ray Chowdhury, was first prosecuted for presiding over a meeting in respect of which no permission of the police was taken. He and his fellow-accused, Secretary of the Bengal Students' Federation, were declared by the police to be "absconders". On the day of hearing, however, both the accused persons were present in court and represented that the police had falsely declared them to be absconders as they were all along in the city engaged in their usual occupation. The ex-Mayor is one of the leading legal practitioners of the city and the other a student. The Magistrate held the police description of them as "absconders" to be absolutely unfounded and preposterous. Later the police, for reasons best known to themselves, withdrew the prosecution. It is interesting to note that this case, as almost every other similar case was in connection with public meetings to protest against the Bengal Secondary Education Bill. This Bill, which is now in a state of suspended animation and the controversy in regard to which was the occasion for the indefinite propagation of the Assembly, was as dear to the heart of the Ministry as it was hated by a large section of the people.

To resume the story. The case against the ex-Mayor having been withdrawn the police instituted a fresh case against him on June 26 in respect of the same meeting which was held on April 22, that is, about three months earlier, the charge this time being that the lamp on the president's table was not sufficiently shaded. The co-accused of the ex-Mayor this time was one Mr. Misra who was described by the police as having organised the meeting. Curiously enough, the police officer in the witness box deposed that he had no personal knowledge as to who the organiser of the meeting was. In the printed leaflets announcing the meeting Mr. Misra's name did not appear. In acquitting both the accused the Magistrate, Khan Bahadur Wali-ul-Islam observed: "In this case no action was taken in time nor any effort made to find out the actual offender, but the accused persons were sent up on a very wide construction of the law for having used an open light in an open space. This is too great an encroachment on personal liberty." It was the contention of the accused that the prosecution was 'mala fide' and was inspired by the political motive of teaching the accused persons, the ex-Mayor in particular, a lesson for having voiced opposition to the Bengal Secondary Education Bill. The Magistrate was not of course in a position to unravel the working of the mind of the Ministry but he observed: "Action in order to be 'bonafide' must be taken at once and at the same time there must be proper investigation in order to find out the actual offender or offenders responsible."

Did these remarks of the Magistrate damp in any way the ardour of the authorities? A second and yet a third case were instituted, all in connection with public meetings held to protest against the Secondary Education Bill, the charge in each case being that insufficiently shaded lamps were used at the meetings. The accused in the first of these cases were Mr. Kiran Sankar Roy, Leader of the Congress Party in the Bengal Legislative Assembly, and Mr. Manindra Nath Mitter, Secretary of the Provincial Hindu Mahasabha. Mr. Roy was accused of having presided over two meetings at separate places. In the case, however, it transpired that he did not preside at all at one of the meetings, but another public man did. It was not also proved that Mr. Mitter was the organiser or convener of either of the meetings. On the day of hearing the police did not produce any evidence, and the case was dismissed.

In the second case the accused is Mr. Santosh Kumar Basu, an ex-Mayor and an ex-Minister. But as this case is 'subjudice' we refrain from making any comment on it.

## VICARIOUS PUNISHMENT

Here is a glaring instance of misconceived official policy as well as zeal displayed in tackling the present situation, which cannot but be deplored by every sane person. The report comes that the District Magistrate of Kolaba has publicly notified that if any person is found damaging the railway roads, not only will he be punished severely, but the whole village to which he belongs will also be liable to pay a minimum collective fine of Rs. 1,000 and the fine will be collected within a short time. If this report is correct can anything more unjust and futile be conceived? If some stray youth, either from the same village or some other part of the district, should secretly damage in the darkness of the night the railway line and make himself scarce thereafter, why should the entire population of the village be held responsible for the crime? Are they expected to guard the line day and night? Is it fair to punish all the villagers vicariously for the sin of one of them or even of some one not belonging to their village at all? The threat of the District Magistrate sounds more like the threats hurled by some tribal god of the Old Testament to visit the sins of the fathers on the children, than that of a representative of an enlightened Government in the twentieth century. The policy of collective fines, which are becoming the order of the day in almost all the

provinces of India, is most ill-conceived. It is hardly calculated to achieve the end in view, namely, the effective prevention of the crime, which can only be secured through greater vigilance on the part of the local police and the systematic organisation of the villagers to render the police whatever help they may legitimately require in apprehending the real culprits. Vicarious punishment of the entire village is bound to entail suffering more on the innocent than the guilty and widespread resentment against the injustice will be the only outcome of such a policy.

The "Amrita Bazaar Patrika" writes:—

An instance of the exercise of the D.I.R. to secure ends as far removed from the prosecution of war as the Arctic is from the Antarctic has recently been reported from Ramnagar, a village in Dacca district. In this village an image of Goddess Durga worshipped by Hindu villagers was to have been led in an immersion procession along a road flanked at a certain point by a mosque. The Muslim S.D.O. of Munshiganj restrained the Hindus under Section 144, Cr. P. C. from taking out any procession by that public road. That procession would have taken a few minutes to pass the mosque, and the S.D.O. could have fixed a time suitable to the prayers of the Muslims, had he so desired. The taxpayer pays for the maintenance of the police and magistrates to protect his legitimate interests and assist him in the prosecution thereof. But this S.D.O. does not appear to have considered himself in the role of a public servant. The Hindus appealed to higher authority and the Additional District Magistrate, who happens to be neither a Hindu nor a Muslim but a Christian, not only set aside the S.D.O.'s prohibitory order but restrained the Muslims under Section 144, Cr. P. C. from obstructing or interfering with the Hindus' immersion procession. An hour after this order, the S.D.O. came out with an order under Rule 56 of the D.I.R. prohibiting any procession without his written permission given 3 days prior to the proposed date of holding it. We reproduce the relevant portion of the text of that Rule below:

The Central Government or the Provincial Government may, for the purpose of securing the defence of British India, the public safety, the maintenance of public order or the efficient prosecution of war by general or special order prohibit, restrict or impose conditions upon the holding of or taking part in public processions, meetings or assemblies.

We are asked to believe that the procession through a village road (1) would have endangered the defence of British India, (2) would have threatened public safety, (3) would have upset public order or lastly, (4) would have interfered with the efficient prosecution of the war.

## CONVICTION OF JAIL OFFICIAL — JUDGE'S REMARKS

NAGPUR, November 8.—Strong remarks were made by Mr. Justice Sen and Mr. Justice Bose in the contempt of court case in which M. A. Sumali, Superintendent of Nagpur Central Jail was fined by them for suppressing an application to the High Court by a detenu.

Their Lordships said: "We have been treated with scant courtesy, and the statement, offensive in tone and temper and reckless in its regard for truth has been put in after careful deliberation and thought. It is impossible for us to overlook this persistent aggravation of contempt. It is all the more impossible because of the tendency we have marked of late, in more cases than one, of the attempts to ignore the authority of this court and to trifle with it."

It will be remembered the High Court censured Lieut. Col. Jatar, Inspector General of Prisons in connection with this case. Their Lordships remarked they cannot take more severe action against M. A. Sumali, "as it is evident that a man of the Superintendent's position would hardly have adopted this wholly wrong attitude, had he not been encouraged in it tacitly or otherwise by those in authority. We trust this will serve as a warning and example."—A.P.

### PRISONER'S DEATH IN ALIGARH JAIL — U. P. COMMUNIQUE

LUCKNOW, July 8.—The following communique has been issued by the Governor of the United Provinces, on the circumstances in which the death of Ramesh Chandra, a prisoner, in the Aligarh Jail took place.

"Ramesh Chandra was arrested in compliance with a warrant issued for an offence under Section 397 I.P.C. He was admitted to jail at midday on June 17, and was then in good health. On the following day towards evening he complained of dizziness and asked to be permitted to join Congress political prisoners. The jailor expressed his inability to permit this, and the prisoner returned to his enclosure. The evening meal was distributed and shortly afterwards, when the warder's attention was diverted elsewhere, Ramesh Chandra disappeared. A search was made as soon as his absence was discovered, and eventually his body was found in a nearby well. Artificial respiration proved unavailing. The body bore no signs of injury and there was no suspicion of four play. The death of this prisoner was the subject of a magisterial enquiry and the Magistrate was satisfied that the case was one of suicide."—A.P.I.

### STUDENTS BADLY HANDLED — PURI TEMPLE INCIDENT — MINISTER'S STATEMENT IN ORISSA ASSEMBLY

CUTTACK, July 3.—Replying to a question in the Orissa Assembly today the Hon'ble Pandit Godavari Misra stated that a few students of the Puri Zila School approached the Head Master on the 20th February, 1943, for permission to assemble in the school the next day and to march from there to the Jagannath Temple for offering a congregational prayer in connection with Gandhiji's fast, but the Head Master having expressed his inability to permit any demonstration of the kind the students wanted to go individually to the temple direct to offer prayer. Replying whether the students were badly handled by the Temple Police who did not allow them to offer any prayer, Pandit Misra said that the Temple staff used the minimum force necessary to prevent an organised attempt by students in entering the Temple for the purposes not purely for worship. He further said that the students were responsible for this unpleasant incident.

### DEFENCE ACT CONVICTION QUASHED — DECISION IN DINDIGUL APPEAL

MADURA, July 17.—Mr. P. Rajagopalan, I.C.S., District and Sessions Judge of Madura disposed of yesterday an appeal preferred by Mr. K. Palanivelu, former member of the Municipal Council, Dindigul against the judgment of the Additional First Class Magistrate, Dindigul convicting and sentencing him under rule 34 (6) (e) of the Defence of India rules.

The appellant was alleged to have committed a prejudicial act by reading out at the meeting of the Municipal Council of Dindigul on September 7, 1942 a resolution strongly criticising Government for superseding the Council and condemning the system of administration as 'full of despotism and repression.' The Government sanctioned the prosecution of the appellant under rule 38 read with rule 34 (6) (e) of the Defence of India rules on November 28, 1942 and it was more than three months later when a charge sheet was filed in the case. The Magistrate held that the reading out of the resolution by the appellant was a prejudicial act as defined by rule 34 (6) (e) of the Defence rules and that the appellant went out of the way in condemning the action of Government in words which would undoubtedly bring into hatred and contempt or excite disaffection towards His Majesty's Government.

The learned Sessions Judge in the course of his judgment referred to the observations of Gwyer C. J. in Niharendu's case and the finding of Justice Mr. Horwill in Kissan Singh v. Emperor (1943) Madras Weekly Notes-Criminal 47 and held that the language used by the appellant in launching a protest could not bring him within the scope of rule 34 (6)

(e). Nor could he agree with the Magistrate who held that the appellant exceeded the bounds of lawful criticism in using violent language in the resolution. The Judge held further that it would be rather difficult to hold that a resolution read out in a lawfully constituted Municipal Council even though couched in violent language was intended to promote public disorder. Even if the resolution exceeded the bounds of lawful criticism the circumstances in which the resolution was read out the Judge added, should make it clear that the intention was not to bring the Government into hatred or contempt. In the result the Judge set aside the conviction of the appellant and acquitted him and ordered that the fine if paid should be refunded to the appellant.

Mr. K. Kuppuswami Aiyar, Vakil, appeared for the appellant while the Public Prosecutor appeared for the Crown.—F.O.C.

## ACCUSED SET AT LIBERTY — APPEAL ALLOWED — STORY OF RAID ON BIDUPORE RAILWAY STATION

PATNA, August 18.—At the Patna High Court today Mr. Justice Manohar Lall and Mr. Justice Shearer delivered judgment in an appeal on behalf of two persons Ramlakhan Sah and Ambika Das who were convicted by the Special Judge of Muzaffarpore under Section 436-149 I.P.C. and sentenced to undergo ten years' R.I. each.

The case for the prosecution was that on the 12th August, 1942, a large mob of about 500 persons came from Bidupore Bazar side, entered into Bidupore railway station building and began to break those things which were still intact after the attack by a mob at 12-30 p.m. and hustled the Station Master out of the office. All that could be found in the premises of the railway station was broken—the counter, the almirahs and other furniture in the booking office. After bringing kerosene oil they set fire to those articles—the fire spread to the back portion of the station building. The brake van which was kept near the goods shed was also set fire to and a red wagon in which the tools and implements of the crane were kept was also broken open and everything that could be found in the wagon was looted. The Station Master ran away out of fear. Thereafter the mob went away after completing their criminal acts. The prosecution case was that the rioters attacked the railway station continuously from the 12th to the 15th August, 1942.

The police sent up 17 persons for trial on the allegation that they along with a large number of persons raided the railway station at Bidupore and committed arson, rioting and loot but as no evidence of identification was adduced against 13 persons, these were discharged and the trial proceeded only against the remaining four accused persons including the present two appellants. As a result of the trial two of them were convicted and sentenced as above.

Their Lordships observed that upon a very careful consideration of the evidence it was impossible for them to uphold the conviction. Therefore, their lordships allowed the appeal, set aside the conviction and the sentence of the appellants and directed that they might be set at liberty at once.

## PUNJAB WOMAN M.L.A. ACQUITTED ON APPEAL

LAHORE, July 29.—Shrimati Shannodevi, a member of the Punjab Assembly, was acquitted on appeal by the Sessions Judge, who set aside the sentence of six months' rigorous imprisonment conferred on her by a Lahore magistrate under Rule 26 of the Defence of India Rules for contravention of an order of the District Magistrate restraining her from participating in processions and meetings. It was alleged that Shrimati Shannodevi had joined a traders' procession during the agitation against the Punjab Sales Tax Act on February 21 last and addressed a crowd.

The Court disbelieved the prosecution story and held that the prosecution might have been launched against her because she was herself actually

injured in the police 'lathi' charge and it was feared that she would make a fuss by giving publicity to the assault, deliberate or inadvertant, made upon her, and the charge against her was therefore extremely doubtful.—United Press.

### ORDER ON NAGPUR EDITOR

NAGPUR, September 28.—The C.P. Government have served an order under the Defence of India Rules on Mr. A. D. Mani, Editor of the 'Hitavada', to give to Government within three days the name and address of the person who gave him the news relating to the resignation of Mr. J. R. Blair, Chief Secretary to the Bengal Government, from the I.C.S., published in the 'Hitavada' on August 21, 1943.—A.P.

### LUNAR ECLIPSE

Grievances of particular Government officials, their resignations, dismissals, supersessions, or failures to secure coveted posts, are not topics which we normally think proper to discuss. But Government, in their own interests, would we suggest be wise to lift the veil of mystery surrounding the recent departure from the Punjab and India of Mr. E. P. Moon, I.C.S. From the outset of war they have been loud in lamenting the shortage of skilled civilian officials, whether for Secretariat duties or district administration. As a result, in contrast to what was permitted during the 1914-18 war, they have consistently checked the natural efforts of younger British members of the I.C.S. to don uniform and fight. The loss, in wartime, of reputedly able officials such as Mr. Moon, in the midst of their career, when their value is presumably greatest, therefore, calls for remark.

A member of the I.C.S., we believe, does not prematurely leave the Service without reference from the provincial Government primarily concerned to the Government of India and the Secretary of State. Our efforts to ascertain in New Delhi the accuracy of the reports reaching us about the circumstances of Mr. Moon's departure have yielded no result. These reports are disquieting. None of them, so far as we can ascertain, have been disseminated by that official himself. They are to the effect that last year, after the arrest in the Punjab of an Indian lady of distinguished family and attainments, and not of tender years, (Rajkumari Amrit Kaur) who had been a close associate of Mr. Gandhi, Mr. Moon wrote to a high official of the Punjab Government to inquire whether it was true that this lady, whom he knew was being dealt with as an inferior class prisoner; that he received a reply confirming this supposition, and contending that the origin and word-setting of last August's disorders justified sterner treatment of Congress detenus than formerly; that then (very unwisely) he posted this letter, with critical comments written thereon, to the lady's brother, who is himself a retired Government official of eminence; that the letter was intercepted in internal censorship; and that the consequent fuss, and the light it threw on Mr. Moon's future prospects in the Service, resulted in his resignation and departure, pensionless to Britain.

We repeat that we have been unable to obtain verification of this story, except on the points of resignation and pensionlessness. Further, we must make it plain that, if Government felt in the horrifying circumstances of last year, that eminent Congressmen (and even Congress women) deserved comparatively rough treatment, they have a measure of our sympathy. Too much cheap martyrdom has been in the past won through privileged jail-going by the Congress hierarchy; and the passage of last August's civil disobedience resolution was, in our view, a shameful exhibition of malignance or wrongheadedness amidst world crisis fully meriting strong counter measures. But the subject was one leaving permissible room for honest differences in shades and application of opinion, particularly perhaps in the Punjab, a Province remote from the war-zone and relatively untroubled by the disorders. If Mr. Moon formed the views and took the action re-

ported, we cannot regard that as in itself justifying Government's encouragement of or acquiescence in loss of his trained services. We understand that though at times unorthodox in method and conduct, he had proved a conspicuously successful District Officer, and had also, a few years ago, worked with success as Governor's Secretary. He enjoyed, for a member of the I.C.S., the very unusual distinction of being a Fellow of All Souls.

### TELL-TALE RESIGNATION

According to the 'Hitavada' of Nagpur, Mr. J. R. Blair, I.C.S., Chief Secretary to the Government of Bengal, has resigned from the Civil Service prematurely "for expressing views in a private letter". It appears that Mr. Blair, in a letter to a relative in England, made some critical remarks about the administration of Bengal. The letter was censored and its contents were brought to the notice of the higher authorities—and Mr. Blair's resignation followed. This is not the first instance of the kind, two civilians having had to resign in somewhat similar circumstances recently. We do not think it is wise to punish officers for expressing personal views in a private and confidential manner. In any case when responsible British officers feel constrained to make adverse remarks on administration and to resign their attractive jobs rather than withdraw them and apologise for the action, it is clear that something is seriously wrong in resignation concerned.

### J. R. BLAIR'S RESIGNATION — ASSEMBLY QUESTIONS — CHIEF SECRETARY LEAVING CALCUTTA ON SATURDAY

Mr. J. R. Blair, Chief Secretary to the Government of Bengal, whose resignation caused considerable sensation, is leaving Calcutta by Bombay Mail on Saturday according to the replies given by the Chief Minister, Khawaja Sir Nazimuddin to questions in the Bengal Assembly on Thursday.

In reply to Rai Bahadur Jogesh Chandra Sen, the Home Minister stated that in a letter dated the 18th January, 1913, Mr. Blair enquired whether he would be permitted to retire for "personal reasons" on the expiry of the leave due to him. The Provincial Government were informed about the end of July that Mr. Blair's retirement on the expiry of such leave as might be allowed to him had been sanctioned by the Secretary of State.

### INTERCEPTION OF LETTER

In reply to another question, Sir Nazimuddin stated that he had it on authority to say that Mr. Blair knew nothing about the interception of a letter said to have been written by him somewhere in the process of its despatch.

Dr. Nalmaksha Sanyal: Is it a fact that in the letter of his resignation, dated January 18th 1943, Mr. Blair has complained that he, as Chief Secretary, was being ignored on matters related to the Civil Supplies Department?

Sir Nazimuddin: So far as I am aware it is not correct.

Dr. Sanyal: What are the contents of the resignation letter?

Sir Nazimuddin: I have not got that letter in my possession.

Dr. Sanyal: What is the present position regarding his retirement? Is it a fact that he has been approached by the present Governor of Bengal to assist His Excellency in the discharge of his duties?

Sir Nazimuddin: Mr. Blair is leaving Calcutta on Saturday by the Bombay Mail.

### DISMISSAL OF AN I.C.S. — SECRETARY OF STATE FOR INDIA'S POWER QUESTIONED

LAHORE, June 4.—A division bench of the Lahore High Court consisting of Mr. Justice Abdul Rashid and Mr. Justice Ram Lal recorded today the statement of Mr. I. M. Lal, late of the Indian Civil Service, and Mr.

Sikri, representing the Crown, in connection with a suit filed by Mr. Lal against his alleged illegal dismissal from the Indian Civil Service.

Mr. Lal said that when he joined the service he signed a covenant which was binding on him as well as on the Secretary of State for India. According to this covenant his service was to continue during the pleasure of His Majesty the King and the defendant, Secretary of State for India, had no power to remove him from service. He added that the inquiry held against him was not only 'ultra vires' of the Punjab Government but that the order for the enquiry was made 'malafide' as he was not given the right to defend himself.

Mr. Sikri in his statement submitted that the Secretary of State for India had power under the covenant to exercise the pleasure of His Majesty and could dismiss an I.C.S. officer at his will. He added that a proper enquiry was ordered and the plaintiff had been given a reasonable opportunity to defend himself. If it was found, he said, that the opportunity was not reasonable no redress could be obtained in that court.—A.P.

### PROTECTION OF GOVT. PROPERTY — NEW ACT PASSED — COLLECTIVE RESPONSIBILITY OF VILLAGERS

PATNA, August 21.—The Bihar Village Collective Responsibility Act, 1943, has received the assent of the Governor and comes into force immediately, states a Gazette notification which publishes the text of the Act.

The Act provides for "imposing on the inhabitants of certain areas the collective responsibility of protecting communications and Government property situated in those areas."

District Magistrates are empowered under the Act to impose collective responsibility in particular areas to appoint village headmen, who will arrange for village patrols for carrying out protective duties. Village headmen and members of village patrols are vested with the power to arrest persons found destroying, damaging, interrupting or obstructing communications or Government property.

District Magistrates are also empowered to impose collective fines on the inhabitants of areas found contravening the provisions of the Act.

The Act also contains penal clauses applying to village headmen or patrols not discharging their duties and also for persons obstructing headmen or patrols in the discharge of their duties.—A.P.

### BOMBAY CASE

BOMBAY, August 20.—Declaring that the case disclosed gross abuse of executive authority and afforded a remarkable illustration of the confusion that existed in this country between the executive and judicial authority of the district magistrate, the Chief Justice, Sir John Beaumont, sitting with Mr. Justice Rajadhyaksha at the Bombay High Court, ordered the immediate release of Sadashiv Shanker Rajitkar and Govindlal N. Parekh, two under-trial prisoners, on whose behalf 'habeas corpus' petitions had been filed by their relatives.

Both accused had been detained in prison following their arrest in Poona on December 3 last. When the 'habeas corpus' petitions came up for hearing before their Lordships on Tuesday last, the Court directed the Government Pleader to produce all orders made in the cases and the prisoners were ordered to be produced in Court.

Dealing with the case of Sadashiv, the Chief Justice observed that on February 6 last, when the magistrate remanded the man till February 20 he had entirely ignored the provisions of section 344, Cr. P. C. which required him to state his reasons in writing. He had merely endorsed the police application with the word "yes", which was no order in writing. After February 20 there had been no order of remand and that made the accused's detention illegal. The case was ultimately transferred to the city magistrate of Poona. A month afterwards the city magistrate took

cognizance of the case. The district magistrate had asked the public prosecutor not to proceed with the case until investigations in another case had been completed. The public prosecutor thereupon wrote a note to the city magistrate conveying the instructions of the district magistrate instead of applying to the magistrate judicially for adjournment, as was his duty, in the presence of the accused or his legal advisers. The city magistrate meekly made the order of adjournment on July 14.

It was not apparent, added the Chief Justice, whether that order was to be regarded as a judicial or an administrative order, but it was not made in the presence of the accused or his legal advisers.

The circumstances of Parekh's case were identical.

These two men who were released by the order of the High Court Bombay were forthwith arrested under Rule 129 of the D.I. Act in the High Court Building and one of them filed a petition under contempt of Court.

### TEGHRA THANA RAID CASE — ACCUSED RELEASED — HIGH COURT'S STRICTURES ON INVESTIGATING OFFICER

WEDNESDAY, September 10.—Agarwala Brough J.J., delivered judgment in a Criminal Appeal preferred by Tarni Singh, Mauji Kumar and Ganga against their convictions under Sections 395 and 436, I.P.C., and Rule 35 of Defence of India Rules and sentence of 6 years' rigorous imprisonment each by the Special Judge of Monghyr.

The prosecution case was that the appellants were members of a mob of about 5,000 people who raided the Teghra Thana on the 15th of August 1942. It was further alleged that the members of the mob had looted the Malkhana and set fire to the thana records and also the furniture including chairs and almirah of the thana.

Their Lordships while disbelieving the police witnesses observed that although the investigating officer (who was also the informant in the case) knew that the 6 constables who were locked up in the police barrack could have seen nothing of what took place at the office of the thana, still he submitted a report that these constables had proved the prosecution case as eye-witnesses as alleged in the first information report.

As regards the so-called independent witnesses (the Postmaster and the postal peon) their Lordships observed that the evidence of these two witnesses could not be held to be so reliable that the court could rely on their testimony. Both of them failed to identify appellant Tarni Singh, a respectable zamindar.

Their Lordships set aside the conviction and sentences of the appellants and ordered them to be released.

### DETAINED IN JAIL ILLEGALLY — SENTENCE INVALID — PATNA HIGH COURT DECISION — ACCUSED ACQUITTED

PATNA, Tuesday, August 24.—At the Patna High Court today Mr. Justice Agarwala and Mr. Justice Brough disposed of a Habeas Corpus application under section 491 Cr. P. C. on behalf of Kedarnath Jha and six others who were tried and convicted along with an incident which was alleged to have taken place during the last political disturbance in the Bennipatti thana. This thana was raided by the mob and was badly damaged. The appellants were sentenced by the Special Judge to undergo two years' R.I. under sections 431 and 147 I.P.C.

In delivering the judgment their Lordships observed that the powers supposed to have been conferred on the learned judge under the provisions of Ordinance II of 1942 did not include a power to try offences under section 431 I. P. C. He had power under section 147 I. P. C. but he imposed no sentence under it. Their Lordships observed that the appellants were being illegally detained in jail under an invalid sentence. In this view of the matter their Lordships acquitted the petitioners.

## 'UNFORTUNATE' AUGUST DISTURBANCES — APPELLANTS ACQUITTED

ALLAHABAD, June 23.—"This case arose out of the unfortunate disturbances which occurred all over the country in August 1942,' observed his Lordship Mr. Justice Mathur acquitting all the appellants who were convicted by the sessions judge of Ghaziapur for offences under sections 395 and 436, I.P.C. read with Rule 35, D.I.R. for burning and looting the post office at Dildarnagar on August 16, 1942. A report was made by the sub-postmaster to the sub-inspector that a mob of about 700 Congressmen and others with a flag and lathis suddenly came to the post office compound from the station side and having forcibly entered the building by breaking the front doors and lock, set fire to it after pouring three or four kerosene tins which were brought from a certain store. The post office staff tried to argue with them but the mob adopted a threatening attitude, caught hold of the staff one by one and put them out of action. After setting fire to the building and looting the property the mob disappeared. The sub-post master reported that besides the Government property his private box containing clothes and cash worth Rs. 400 was also taken away. He could not name any of the miscreants and even when the case came up before the court he was unable to identify any of the accused.

It was not known, his Lordship said, on what information the appellants and the others who were tried with them were arrested as the S.I. who originally investigated the case was not produced as a witness in the court. At first they were put up before a special judge and when the Ordinance was repealed they were tried by the ordinary courts. The sessions judge acquitted Ram Saran and Bindhyachal and convicted Bans Narain, Amar Singh and Sheo Badan. These persons filed an appeal which had been fully argued by counsel for the appellants and the gentleman representing the Government advocate.

The entire case rested upon the identification of the appellants by four witnesses named Shyam Rati, Ghani, Ram Charittar and Sulaiman who were produced as eye-witnesses in the court of session. It might be noted that no identification of these persons or of those who were acquitted was regularly held in jail. These persons including two of the appellants—Amar Singh and Sheo Badan—were put up for identification in the court-room of the special judge on May 10, 1943 Bans Narain could not be traced. As shown in the record he was not in the jail and was reported to have been taken to the Kotwali, Ghazipur, but there too he was not found. In this way no identification proceedings with regard to Bans Narain were taken.

Of the four witnesses the sessions judge had rightly discarded the evidence of Shiam Rati altogether. His reason was that Shiam Rati was not produced in the court of the special judge for the purpose of identifying the accused and therefore, any identification by him later in the court of session was of no value. The sessions judge had discarded the evidence of Ghani with regard to Bindhyachal and Ram Saran, the two persons whom he acquitted, as well as against Sheo Badan appellant. But he had relied upon his evidence with regard to Amar Singh and Bans Narain, Ghani had admitted he was formerly under police surveillance and this very much detracted from the value of his evidence. When the identification parade was held in the court of the special judge Ghani admitted that he identified one Suraj Nath Singh as Bindhyachal, although he asserted that he knew the names of the five accused from before as they used to take part in Arya Samaj gatherings. In that very identification parade he could not identify Sheo Badan although he was present there. His Lordship did not think that a witness who committed such flagrant mistakes was worthy of any credit. He had also made a curious statement that in the court of the special judge he did not name any accused but only identified them. This meant probably that instead of informing the court that the accused were known to him from before he tried to identify them as a stranger but even then he made two flagrant mistakes. Sulai-

man also cut a sorry figure in the identification parade held before the special judge on May 10, 1943. Although he professed to know the accused he identified Sheo Badan as Amar Singh and Amar Singh as Sheo Badan. This really demonstrated that his statement was false and he was trying to identify on the strength of having seen the accused in the court or having been tutored by somebody. Although the fourth witness, Ram Charittar, stated in the court of the special judge that he knew Bindhyachal from before he could not identify him in the parade held in the court of the special judge. He identified Amar Singh and Sheo Badan correctly before the special judge, but the fact that he was present at the arrest of Amar Singh very much reduced the value of his identification so far as Amar Singh was concerned.

In his Lordship's opinion it was not possible on the identification of these witnesses to convict the appellants. There could be no doubt that the post office was burnt and looted by a mob of 700 persons, but on the evidence on the record it could not be said that the appellants had participated in that crime. It was not even proved to his Lordship's satisfaction that these persons were present in the mob. Had it been proved, it might have raised a presumption against them. The appeal was in the result, allowed.

Messrs. E. V. David and J. S. David appeared for the appellants and Mr. Krishna Shankar, on behalf of the assistant Government advocate, for the Crown.

## INCITING POLICE OFFICERS TO RESIGN

PATNA, January 11.—Mr. Justice Varma and Mr. Justice Sinha disposed of today an application in revision on behalf of three persons, namely, Kuber Tewari, Jokhan Dubey and Tilakdhari, who were convicted under Rule 38(1) of the Defence of India Rules and sentenced each to undergo rigorous imprisonment for two and a half years and also to pay a fine of Rs. 100 or in default of the payment of fine to undergo further rigorous imprisonment for six months, by a special magistrate of Sassaram. Their appeal to the Sessions Judge of Shahabad was dismissed summarily.

The prosecution case against the petitioners is that on the 8th of September 1942, they addressed meetings at two places namely, at villages Balaundha and Sadokhar within the jurisdiction of Chanari police station, making prejudicial speeches.

The defence, on the other hand, is that the accused persons were falsely implicated by the Dafadar and the Choukidar of the villages aforesaid on account of personal animosity, and, that as a matter of fact, there was no meeting addressed by these persons, or by any other person asking the people not to pay Government Revenue or Choukidari Tax or asking the rural police to resign their posts.

Their Lordships gave the accused persons benefit of doubt and directed their acquittal of the charge and release forthwith unless wanted in connection with any other conviction. The fines if paid, was also ordered to be refunded.

## "KING'S WRIT MUST BE OBEYED" — HIGH COURT'S ORDER ON ARMY MAJOR

In refusing to grant an adjournment 'sine die' to the defendant, Major B. S. James in a suit filed against him by Freezite Ltd., and another, Mr. Justice Chagla, at the Bombay High Court observed that the grounds of adjournment were most extraordinary. It was alleged that the defendant was prevented by orders of his Commanding Officer, Major-General Alban, from attending to his legal affairs. The plaintiffs opposed the application on the ground that the defendant was deliberately putting off the hearing of the suit.

In giving judgment His Lordship said that he was prepared to show every indulgence to an officer who was serving his country; but His Lordship was not prepared to see the order of this court being flouted by any military authority, however high his position might be. So long as the King's Writ ran in this city the orders of the court must be obeyed. It was clear from the evidence of Mr. Archibald Leslie Hutson, a managing director of the plaintiff company and steward of the Royal Western India Turf Club that the defendant was given permission to attend the Turf Club but he could not be given permission to attend His Majesty's Court to defend his suit. Mr. Hutson himself had seen the defendant with his wife on the Race Course on last three Saturdays running.

His Lordship gave one last chance to the defendant and adjourned the hearing of the suit to February 24, 1944.

Sir Jamshedji Kanga, with Mr. J. A. Shah, instructed by Messrs. Crawford Bailey & Co., appeared for the plaintiffs.

Mr. D. B. Desai, instructed by Messrs. J. S. Ratnagar & Co., appeared for the defendant.

### DETENTION AFTER RELEASE ORDER — CONTEMPT OF COURT CHARGE — CASE AGAINST BHAGALPUR DIST. MAGISTRATE ADJOURNED

PATNA, February 9.—A Full Bench of the Patna High Court today called for all original orders in a contempt of court proceedings against Mr. R. N. Lines the District Magistrate, Bhagalpur.

The case arose out of a Rule issued by Mr. Justice Agarwala and Mr. Justice Imam on January 25 last on the 'habeas corpus' petition of Narsinghrai under Section 491 Cr. P.C.

The petitioner alleged that he was implicated in a series of crimes and the trials ended either in his acquittal or discharges, the District Judge ordered his release after the last case and though he furnished bail he was not released. The applicant further alleges that he was then told that his detention was under Rule 129D of the D.I.R. whereupon he moved the High Court where Mr. Justice Chatterjee sitting with Mr. Justice Meredith ordered his release. Narsinghrai then learned that he was detained under Rule 26(1)(B) of the same Rules.

The Advocate-General pleaded that Mr. Lines did not intend to disobey the Court's order and he produced a note referring to the District Magistrate's order and those of the Sub-Divisional Officer and other local officers. Their Lordships were not satisfied about the statement and wanted some one to swear an affidavit about the truth of the statements which would render him open to prosecution in case they were incorrect.

The Advocate-General also referred to a stenographic mistake which crept in the order of Mr. Lines who meant Rule 129 of the D.I.R. when it was typed out as Rule W. Y. (15B). Mr. Justice Imam wanted to know if the Order was signed before it was typed out and the Chief Justice asked if it was left to the stenographer to choose the Section. The Advocate-General submitted that care had not been shown to which Mr. Justice Imam replied that no care had been shown at all. Mr. Justice Agarwalla added that he was surprised that a District Magistrate could misunderstand his powers and he called for the Provincial Governments' Order delegating powers under the D.I.R. to the District Magistrate.

At the Advocate-General's request the case was adjourned until Tuesday next.—A.P.

### SEARCHES UNDER MISCONCEPTION — GOVERNMENT EXPRESS REGRET INCIDENT AT KHAN BAHADUR RAHMAN'S HOUSE

MONDAY, October 11.—The following Press communique has been issued:—

The Government of Bihar desire to make known the following facts for general information. On the night of the 12th-13th March last certain

house searches were made in the premises of Khan Bahadur Habibur Rahman at Ranchi. The matter was immediately made the subject of a searching inquiry and has been very carefully examined both by the civil and military authorities. It has been established, beyond any doubt, that the searches were made under a complete misconception and Government take this opportunity of expressing their regret for the trouble and distress caused to Khan Bahadur Habibur Rahman. No imputation of any kind rests on the reputation of the Khan Bahadur, who is known to be a loyal gentleman of character and position. A full apology has been tendered by those concerned and has been accepted by the Khan Bahadur who has withdrawn all his claims, civil and criminal. The incident has therefore been amicably closed.

## JUDGE DISBELIEVES APPROVER'S STATEMENT — 'THE EVIDENCE PRODUCED IS WORTHLESS

AGRA, June 27.—Judgment was delivered yesterday in the Agra Conspiracy Case—King Emperor vs. Pt. Sri Ram Sharma and 12 others, a brief summary of which has already appeared in the 'Patrika'. Delivering the judgment, which runs to 57 foolscape typed pages, the Sessions Judge, Mr. K. N. Wanchoo, I.C.S., held that accused Bala Prasad was certainly in possession of prejudicial leaflets and was guilty under Rule 39 (6) of the D.I.R.; but the prosecution has failed to prove that the rest of the accused committed any offence under Section 4 of the Explosive Substances Act (possession of explosives and attempt to conspire to cause explosion in British India) or Rule 39 (6) of the D.I.R. (possession of prejudicial matter).

He ordered, "I therefore find Sri Ram Sharma, Basantlal, Manoharlal, Ramananda Acharya, Gopi Nath, Pitambar Pant, Kamta Prasad, Vijey Saran alias Badam Singh, Ram Charan, Ram Saran Singh, Nemi Chand Jain and Pirbhu Dayal Bhargava accused not guilty of all the charges framed against them and order their acquittal."

"I find Bala Prasad not guilty of the charge under Section 4 of the Explosive Substances Act, but I find Bala Prasad guilty under Rule 39 (6) of the D.I.R. Considering that the leaflets are very mild type of prejudicial report, I sentence him to three months' R.I."

### PROSECUTION CASE

The prosecution story was that on December 6, 1942, the C.I.D. got information of the existence of a sabotage gang in Agra which was hiding in the Narain Bhawan. In the evening of the 7th December, 1942, a police party raided the Bhawan and recovered a live bomb and other chemicals. Fourteen persons were arrested for the alleged possession of explosive substances and for conspiring to cause explosion in British India.

For commitment to the Sessions, the trial of the accused was held in the Central Jail and the committing magistrate acquitted accused Shiv Charan Lal, Kaushal, while 13 others, including Mr. Sri Ram Sharma, were committed to stand the trial in the Session Court at Agra.

Announcing the judgment, the judge observed: "The single assessor who remained in this case was of opinion that all the accused were not guilty of all the charges. I agree with him, except in Bala Prasad's case."

### APPROVER'S EVIDENCE

Continuing the judge observed: "After these charge sheets (of the accused) had been submitted, Bhudeo Palival was arrested on the 24th March, 1943.

Obviously when this case was originally prosecuted, there could be no idea that Bhudeo's evidence would be available in this case and the prosecution was satisfied that the remaining evidence, besides Bhudeo's was, sufficient for their purpose. It so happened that Bhudeo after his arrest made a confession. In it he practically gave what was a history of sabotage

cases in his neighbourhood from August 1942, till the time of his arrest. Consequently when this case started and before the lower court, Bhudeo was also produced as a witness."

"In two other bomb cases, Bhudeo has been tendered pardon and has appeared as an approver. Those two cases have also been prosecuted before me. As a matter of fact I had to withhold judgment in those two cases, though they were finished as far back as the 19th May, 1944 because of the fact that Bhudeo was an important witness in all these three cases.

### DAIRY NOT PROVED

"It is not impossible that a boy like Bhudeo who was at a loose end about the end of November or the beginning of December 1942 might fall in bad company. It is remarkable that though Bhudeo had kept a dairy, it contains nothing about the incidents before January, 1943 and begins only from January, 1943. That dairy has not been proved in this case.

"The most important part of Bhudeo's evidence is that relating to his removing certain explosives from room Z 11. (the room which was locked and sealed by the Central Bank) on the 8th or 9th December, 1942. If that statement is proved to be false, I am of opinion that the whole statement of Bhudeo relating to the incidents up to December, 1942 would fall to the ground. If he can say or can be made to say that these explosives were removed by him from room Z 11 on the 8th or 9th of December, 1942, when no such thing is possible, it is obvious that he is prepared to implicate the accused either himself or at the instance of others by giving false evidence. It is, of course, impossible that the police should have merely accepted the assurance of Bhargava that the lock was of the bank, and would not have seen that the lock really bore the seal of the bank. I am, therefore, satisfied that Bhudeo's statement that he came to the factory (the Midland Fruit and Vegetable Products of Mr. Pirbhu Dayal Bhargava) on the 8th or 9th of December and Jagadish Prasad handed him over certain explosives after taking them out from room Z11 is absolutely false. His further statement about the explosives he had brought on that date from the factory is also false. This is sufficient to shatter the whole evidence of Bhudeo so far as it relates to incidents before December 1942. It shows that somehow or other Bhudeo was prepared to make a false statement, if necessary, to implicate the accused. His further statement therefore, about these accused cannot be believed.

"It is remarkable that in his confession he has nowhere even mentioned the name of Bala Prasad. There is no indication anywhere in this confession that meetings attended by a large number of the accused used to be held in Bala Prasad's room. The present statement of Bhudeo in this connection is an improvement and therefore completely unreliable."

### CASE NOT SUBSTANTIATED

"On a careful consideration of all the prosecution witnesses evidence about association" the Judge further observed, "I feel that there is no reliable evidence to prove that all these accused used to collect at Bala Prasad's room and hold meetings there or that some of them used to live with Bala Prasad. The prosecution case is not substantiated to this end. The evidence produced is worthless."

Referring to the recovery of first-aid medicines, 'gaddas', etc. the Judge remarked: "It is quite possible that people in the factory might get injured and these things might have been kept there in order to give first-aid to them.

"The mere fact that these four persons (Basantlal Jha, Manoharlal, Ramananda Acharya and Gopi Nath) were found in Bala Prasad's room that evening cannot give rise to the inference that they were there in order to conspire to cause an explosion by means of bombs. From the recovery of several beddings the inference is possible and it may be that

these four persons who were arrested there along with Bala Prasad had been living there for sometime. But that again will not necessarily prove that they were conspiring together to cause explosions in British India, unless there was some such conspiracy. In this case there is no such evidence.

### "LETTERS PROVE NOTHING"

"Further connection between these accused is said to be proved from the recovery of certain letters etc. from this (Z2) room. The two letters recovered are addressed to one Rajendra Acharya, who is said to be Ramananda by the prosecution. But there is evidence of this. These letters, therefore, in my opinion prove nothing."

Continuing the Judge said that he was not prepared to believe the statement of Abde Ali, who suggests that one Sagar Singh was supplying explosives to the accused. Abde Ali stated that on the 28th December, 1942 (i.e. after the arrested of the accused, Sagar Singh was with Dull Chand, the purchaser of explosives. "How Abde Ali remembers that Sagar Singh came with Dull Chand in December, 1942, is something which I cannot understand", observed the Judge.

The Judge held that the diary of Ramesh Chandra (son of Pt. Sri Ram Sharma) was inadmissible in evidence. "Ramesh Chandra is said to be in jail. He should have been produced to give evidence and the diary corroborated," observed the Judge.

The Judge held that the recovered leaflets which contained items about (i) taking out processions, (ii) sitting down for 'dharna' and (iii) provided that "even Government servants could take part in this 'war of India' were of a prejudicial nature, though of a mild type."

"Bala Prasad was certainly in possession of these prejudicial reports and is guilty under Rule 39 (6) of the D.I.R." while the rest of the accused were not guilty of the charges framed against them. Benefit of doubt was given to Pirbhu Dayal Bhargava for "it is quite possible that Bhargava may have no knowledge of things kept by Bala Prasad," his employee.

### GOVT. OFFICIAL 'ALSO A SERVANT OF PUBLIC' — STRICTURES AGAINST S. D. O. — PROCEEDINGS FOR REFUSAL TO PURCHASE N. S. CERTIFICATES QUASHED

PATNA, January 18.—The functions of an executive officer holding judicial powers in relation to the prosecution of the national savings drive were the subject of severe criticism made by Mr. Justice Meredith of the Patna High Court who passed strictures against the sub-divisional officer of Rajmahal, Rai Saheb R. Prasad, for having prosecuted two businessmen Messrs. Sitaram Bhartia and Benarsi Lall Bhartia, on their inability and refusal to purchase national savings certificates of the value prescribed by the S. D. O.

The petitioners alleged that they had been harassed and 'persecuted' on account of their failure to invest Rs. 10,000 in national savings certificates which they were asked to do by the S. D. O. while they were willing to purchase N. S. certificates worth Rs. 1,000 and had arranged for the purchase of interest-free prize bonds worth Rs. 2,000.

Subsequently, the petitioners further alleged, a criminal case was started against them for refusing to show records in connection with military contracts and disclose the prices of the articles supplied to military authorities, although they were secret documents. A non-bailable warrant of arrest was also issued against the petitioners, one of whom was arrested, handcuffed and marched through the bazaar but was later released on bail.

His Lordship, quashing the proceedings against the petitioners, in the course of his judgment observed: "The learned S. D. O. holds the title of Rai Saheb, an honour which he has, no doubt, earned, as a faithful and efficient servant of the Crown. He is, however, like all judicial officers,

also a servant of the public. He is more than that; he is also a servant of an ideal--that ideal is the rule of law—a principle that stands above principalities and powers. Let him not forget it."

Proceeding his Lordship said:—

"If it is the function of the court to punish wrong-doers, it is no less its function to guard and protect the private citizens from an arbitrary or illegal action on the part of the executive authorities. In this country the magisterial courts are under the direct control of the district executive authorities; frequently the judicial and executive functions are combined in the same individual. When he is in this responsible—some might say invidious--position, it is of the utmost importance that he should scrupulously avoid even the appearance of using the courts of legal process, not in protection of the subject from executive's vagaries but to support them." —Associated Press.

## ARREST UNDER RULE 129 OF D. I. R. "MALA FIDE" FOR PERSONAL ANIMOSITY — DOCUMENTS KEPT BACK DELIBERATELY — MR. JUSTICE TEJA SINGH'S JUDGMENT IN "HABEAS CORPUS" PETITION

LAHORE, Sept. 23.—The following are extracts from the judgment of Mr. Justice Teja Singh in accepting the application of Bachan Singh under section 491, Criminal Procedure code, praying that Teja Singh be ordered to be set at liberty forthwith or otherwise dealt with according to law in open court:—

This is a petition under section 491, Criminal Procedure Code, by Bachan Singh praying that a writ be issued for the release of one Teja Singh, son of Bakhshish Singh of Bhucho Khurd. The petitioner's allegation 'inter alia' were that the said Teja Singh had reason to annoy, and incur the displeasure of Chaudhri Ishar Singh, Sub-Inspector and Munshi Makhan Singh, Head Constable of Nathana, a police station in the district of Ferozepore, and for this reason he was illegally arrested on the July 1, 1944, and was being detained at some unknown place. The position taken up by the Crown is that Teja Singh was arrested under the orders of Sardar Bahal Singh, District Inspector of Police, stationed at Giddarbaha under Rule 129 of the Defence of India Rules and this court has no jurisdiction to order his release.

The Crown put in affidavits of S. Bahal Singh, District Inspector of Police, Chaudhri Ishar Singh, House Station Officer, Nathana Police Station, A. S. I. Makhan Singh of Police Station Mamdot, previously Head Constable, Nathana Police Station, and foot constable Khan Bahadur of Nathana Police Station. It was mentioned in para 4 of S. Bahal Singh's affidavit that the arrest of Teja Singh was effected by the Sub-Inspector 'bona fide' under his orders as Ilaqa Officer and that "the Inspector had reliable information for some time previously that Teja Singh was consistantly acting in a manner prejudicial to public safety and to the efficient prosecution of the war, by deliberately siding in various ways the outlaw element in their activities calculated to spread lawlessness and terror in the Ilaqa of Police Station Nathana and the adjoining territories of the native states." It was further mentioned in the affidavit that the arrest was effected at a stage when it was found that the aforesaid activities of Teja Singh could not otherwise be checked. To the same effect was paragraph 9 of Ch. Ishar Singh's affidavit. But paragraph 9 of that affidavit proceeded as below:—

"I have no knowledge about the family connections of the defendant. It is admitted that Teja Singh has not taken part in any political activities or anti-Government movement but his conduct for which he was arrested was definitely of a nature prejudicial to the public safety and efficient prosecution of the war."

## COURT'S JURISDICTION

The provision of law, according to the Crown, affects the jurisdiction of this court to interfere with an order passed by a competent authority under the Defence of India Act. Section 16 says "(1) No order made in exercise of and power conferred by or under this act shall be called in question in any court (2) where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Act, a court shall within the meaning of the Indian Evidence Act, 1872, presume that such order was so made by that authority." It has, however, been held by a full Bench of this court in "Lahore Electric Supply Co., Ltd. *v.* Province of Punjab (A.I.R. 1943 Lah. 41) that the court can interfere if it is satisfied either that the order under the Act is ultra vires or that the order was not made 'Bona fide' but for some collateral object. In holding that if an order under the Defence of India Act is not 'bona fide' section 16 cannot be a bar to the court dealing with the matter, Young C. J., who delivered the judgment of the full Bench, relied upon the following observation of Lord Thankerton in I.L.R. (1940) Madras 599 at para 614:—

"It is settled law that the exclusion of the jurisdiction of the Civil courts is not to be readily inferred, but that such exclusion must either be explicitly expressed or clearly implied."

He also quoted the following words of Lord Reading in (1915) 2 K. B. 742 at P. 749:—

"If we are of opinion that the powers were being misused, we should be able to deal with the matter. In other words if it was clear that an act was done by the executive with the intention of misusing those powers this court would have jurisdiction to deal with the matter."

The Lahore Electric Supply Co.'s case was recently followed by another Bench consisting of Harries C.J., and Mahajan J., in S. Dilbagh Singh *v.* Emperor (A.I.R. 1944 Lah. 373). That was a case in which Dilbagh Singh and others had first been arrested by the Police under section 420 Indian Penal Code and were then detained under rule 129 of the Defence of India Rules. It was held that to use Rule 129 for some entirely different purpose, wholly unconnected with the security of the State or the efficient prosecution of the war is a misuse of the powers given by that rule and an order passed for such purpose cannot be said to be an order under Rule 129. The following passage appearing in the judgment of the learned Chief Justice may be quoted with advantage:

"In my judgment there has in this case been an abuse of the powers conferred on the police under 129 and I am bound to hold that the orders purporting to have been passed under Rule 129, Defence of India Rules in this case are not orders made under that Rule. That being the case the orders can be questioned in this court and such orders in my judgment afford no justification whatsoever for the detention of these men."

"In face of this clear exposition of law by a Full Bench and a Division Bench of this court, by which I am bound, it is unnecessary to refer to the decisions of the other High Courts."

## PETITIONER'S ALLEGATIONS

Bachan Singh, petitioner is a collateral of Teja Singh. The petitioner's allegations were that on or about the March 29, 1944 he caught one Jaila in his field while he was cutting and stealing some gram plants and took him to the 'sath' of his village and then to the police station. Kartar Singh and two other Lambardars, and a few other persons accompanied him. They reached the police station in the night and apprised the Head Constable of what had happened, but he did not take any notice of them. Accordingly he and his companions went back to the village and took Jaila to the Police Station again on the following day. Then they met Sub-Inspector and narrated the whole story to him. They also told the

Sub-Inspector that they had visited the Thana during the night also but had to go back because of the Head Constable's attitude. The Sub-Inspector, instead of listening to their complaint had Bachan Singh shoe beaten and then arrested him under section 325 and 342. Though the offences were bailable and Bechan Singh was prepared to offer bail, he was kept in the lock-up and was challaned. It was ultimately the 1st Class Magistrate at Gidder Baha who released him on bail. The case ultimately failed and Bachan Singh was acquitted. On April 6, Bachan Singh addressed the application Ex-P. W2-1 to the Commissioner, Jullunder complaining against the Sub-Inspector and the Head Constable. On the 7th he sent telegrams to the Superintendent of Police and the Deputy Commissioner, Ferozepore, and the D.I.G. Police Jullundur. These were directed against the entire police of Nathana. Bachan Singh had stated before me that Teja Singh was all along helping him and was with him when he sent applications and the telegrams. On April 27, Teja Singh himself addressed an application to the Deputy Commissioner, Ferozepore, wherein he complained about the conduct of the Sub-Inspector Nathana (Ch. Ishar Singh) and the treatment that he had meted out to Bachan Singh. The same day, Teja Singh, addressed a similar application to the D.I.G. Police Jullunder. Thereafter Bachan Singh addressed another application to the Superintendent of Police, Ferozepore on May 1, and to the 1st Class Magistrate at Giddarbaha on the 4th. Teja Singh too addressed the applications, one to the Superintendent of Ferozepore and the other to the Deputy Commissioner, Ferozepore.

Since very serious allegation of oppression, high-handedness and illegal acts were made in the applications and the telegrams against the entire Nathana Police and particularly Ch. Ishar Singh Sub-Inspector, there can be no denying the fact that the Sub-Inspector must have been much annoyed with Bachan Singh and Teja Singh both and it is only natural that he must have harboured a grudge against them. The probability is that his feelings towards Teja Singh were more bitter than those towards Bachan Singh, because he must have considered that whereas Bachan Singh was personally concerned in the matter Teja Singh was interloper and got himself in the matter gratuitously.

## NO WRITTEN ORDERS

The learned counsel for the Crown did not deny that the relations between Teja Singh and Sub-Inspector Ch. Issar Singh were strained. What he, however, urged was that it was not for this reason that action was taken against Teja Singh and in support of his argument he stressed (1) that the orders for Teja Singh's arrest were made not by the Sub-Inspector but by S. Bahal Singh, District Inspector of Police and (2) there was abundant material before the police on the strength which it was believed that he was a dangerous character and a menace to the peace of the Ilaqa. No doubt we have before us not only S. Bahal Singh's affidavit but also his sworn statement that he ordered the Sub-Inspector to effect Teja Singh's arrest, but after weighing both his affidavit and the statement and the other evidence on record I am afraid it is not possible for me to hold that responsibility for Teja Singh's arrest, did not rest with Sub-Inspector Ishar Singh. The most significant thing is that no written orders either of the Sub-Inspector or of the Inspector, is forthcoming. It is common case of the parties that the arrest took place on July 1. Some sort of order must have been passed by the Officer effecting the arrest. At least a note must have been made of the factum of the arrest. Then an entry must also have made in 'roznamcha' of the police station where Teja Singh was detained after arrest. But none of them has been produced in court.

## DELIBERATELY KEPT BACK

Under sub-rule (2) of rule 129 it is the duty of an Officer who makes an arrest in pursuance of sub-rule (1) to report the fact of such arrest

forthwith to the Provincial Government. Evidently, therefore the Sub-Inspector must have made a report to the Inspector so that the latter might in his turn submit report to the Superintendent of Police. That report has also been withheld. Mr. Nand Lal Salooja Counsel for the Crown produced for my inspection the report made by the Inspector. This is dated July 3, but was despatched to the Superintendent of Police on the 5th, and all that is mentioned in that report is that Teja Singh had been arrested and not that he had been arrested by the Sub-Inspector under the orders of the Inspector. This viewed in the light of the fact that other documents relating to the arrest have been deliberately kept back from the court entitles me to raise the presumption that if produced they would have contradicted the statement of the Sub-Inspector and the Inspector and would have shown that the inspector made himself responsible for the arrest with a view to shield the Sub-Inspector.

It was argued by the learned counsel for the Crown that in order to find out whether there is a reasonable suspicion justifying the arrest of a person under Rule 129, the Court must accept the opinion of the Officer effecting the arrest and cannot import into the matter its own opinion. I agree with the learned counsel to this extent that if it is shown that there was some material on the strength of which the Officer effecting the arrest could base his suspicion and there is no evidence of 'mala fide', the Court would hold that Rule 129 applies and that the suspicion was reasonable and it would refuse to determine whether the material was or was not sufficient for the suspicion. Where, however, the allegation is that there was no material at all and, consquently, there was no scope for any kind of suspicion, reasonable or unreasonable, the Court is bound to hold that the case does not come within the scope of Rule 129 and the arrest is made 'mala fide'. This must needs be the view in a case like the present, where there is positive evidence of unmistakable character to prove that the person arrested has had the misfortune of having seriously offended the officer who arrested him.

To sum up, my findings are:—

**FINDINGS**

(1) That the arrest in this case was made by Sub-Inspector Ishar Singh,

(2) That there was no material on the strength of which the Sub-Inspector, or for the matter of that any police officer could suspect that the prisoner (Teja Singh) had acted or was acting or was about to act in a manner, prejudicial to the public safety or the efficient prosecution of the war etc.

(3) That the real reason of the arrest was that the prisoner had been making complaints against the said Sub-Inspector and the police of his Thana; and

(4) That the arrest was 'mala fide' and was not covered by Rule 129 Defence of India Rules.

In the result, I order that the prisoner (Teja Singh son of Bakhshish Singh of Bhucho Khurd) be released forthwith.

**JUDICIARY AND MILITARY**

From Honolulu comes the news of a Homeric clash between the judiciary and the military. A judge of the Hawaiian Federal Court issued a writ of 'Habeas Corpus' calling upon the Military Governor to produce before the court two German-American internees. This the Governor refused to do, contending that the court had no jurisdiction as Hawaii was a theatre of war in which the decision of the military commander as to what was necessary for military purposes and for the safety of the State was conclusive. The judge promptly fined the contumacious commander 5,000 dollars for contempt of court, and the matter is stated to have gone before a higher tribunal. We are familiar in India with conflicts of au-

thority between the judiciary and the executive. This very healthy constitutional exercise commenced with the establishment of the Supreme Court in Bengal, and Warren Hastings had many an exhilarating duel with Elijah Impey, the first Chief Justice. Apart from the natural hostility between these two potent limbs of a civilised constitution, in the picturesque days of "John Company" the antagonism was aggravated by the fact that, while the Government was the government of the Company, the judges were the judges of His Britannic Majesty. However, the military has rarely taken a hand in this lively game either in this country or in Great Britain, for the simple reason that so long as the civil government functions the military cannot interfere with the law of the land.

### NOTICES SERVED ON PUNJAB POLICE — PARDIVALA ARREST ECHO

LAHORE, December 17.—On an application moved by Mr. K. M. Munshi on behalf of Mr. H. R. Pardiwala, Barrister of Bombay, a Division Bench of the Lahore High Court, consisting of the Chief Justice and Justice Sir Abdur Rahman issued notices today to the Deputy Inspector General of Police (C.I.D.) the Punjab, the Superintendent of Police (C.I.D.) and a sub-inspector of police directing them to show cause why they should not be dealt with for contempt of court.

It was submitted in the petition that when Mr. Pardivala, who came to Lahore in connection with the 'habeas corpus' application of Mr. Jai Prakash Narain, was arrested on November 9, and was confined in the Lahore Fort, he handed over to a C.I.D. sub-inspector an application addressed to the High Court against his arrest and two letters, one to the Advocate-General, the Punjab, and the other to the Advocate-General, Bombay, with a covering letter to the Deputy Inspector General of Police, C.I.D., Lahore, requesting him to forward them without delay to their respective addresses. After his release the petitioner learnt that his application addressed from the jail had not yet been forwarded by the Lahore police to the court nor to the Advocate-Generals of Lahore and Bombay. He further submitted that by arresting him and interfering with him the police had sought to and did bring into ridicule and contempt the administration of justice and flout the authority and dignity of this court.

### A. R. P. WARDEN ACQUITTED — CHARGE OF INCITING DISAFFECTION AMONG PUBLIC SERVANTS

BURDWAN, January 19.—A pleader and ex-A.R.P. Warden, Mr. Bishnupada Hazra of Burdwan who was convicted under the D. I. Rules by the Sub-Divisional Magistrate of Burdwan in December last and sentenced to imprisonment till the rising of the Court and also to pay a fine of Rs. 500 in default to undergo rigorous imprisonment for 3 months, has been acquitted by the District and Sessions Judge, Mr. K. C. Das-Gupta.

The prosecution case was that the appellant, who was a paid A.R.P. Warden resigned his office during the disturbances following the Congress resolution of August 1942. In his letter of resignation, addressed to the A.R.P. Controller the appellant expressed his opposition to the policy of the Government with regard to the Congress movement, and submitted that in sympathy with the movement he wished to sever his connection with the A.R.P. Organisation and, therefore in reply to a communication from the A.R.P. Controller on the matter, he wrote another letter in the closing paragraph of which he stated:

"With these words I beg to bid adieu, with the only one expectation in my heart, that could you and the District Magistrate, before whom you like to place the matter, have followed suit."

The prosecution contended that the two letters were direct incitement to disaffection among public servants, or calculated to prejudice the performance of their duties by such public servants as the District Magistrate and the A.R.P. Controller, and as such the accused had committed an of-

fence under the Defence of India Rules. The Sub-Divisional Magistrate accepted the contention and convicted and sentenced the accused as stated.

On appeal, the District Judge set aside the conviction and the sentence passed by the lower Court, and has ordered to set the accused free and refund the fine, if realised.

In delivering judgment, the District Judge remarked "I am unable to agree with the learned Magistrate that there was the least likelihood of either the District Magistrate, or the A.R.P. Controller being induced to fail in the performance of their duties by reason of this ill-mannered effusion, nor can I believe that the writer himself intended any such effect." He added that certain portions of the last letter were nothing else than filthy abuse hurled on men of position. No language was too strong for such conduct, but, "however much one may condemn his conduct, the letter cannot be classed as a prejudicial report—an incitement to prejudicial acts within Rule 34 (6) (B) (C) of the D.I. Rules, merely because the act is morally reprehensible, mean and unjustified."—A.P.

## CLUMSY

An interesting judgment was announced recently by the Chief Judge of the Court of Small Causes in Calcutta in the case filed by the All-India Spinners' Association against the Government of Bengal. The facts of the case briefly are: The A.I.S.A. of Bombay had, amongst many other branches in Bengal, one at College Street Market in Calcutta. This, a shop, was searched and locked up by the police on October 11, 1942, the properties in the shop remaining in police custody. No further action was taken until March 4, 1943—roughly a period of five months—when a notification was issued declaring the Bengal Branch of the A.I.S.A. unlawful under Section 16 (1) of the Criminal Law Amendment Act of 1908 and the shop was declared unlawful under Section 17A (1) of the same Act. A list of articles in the premises was made by the police and the usual notice issued for claimants to make representations for claiming them. Representations were made by the Board of Trustees of the A.I.S.A., the Corporation of Calcutta and others. The learned Chief Judge dwelt in detail on the issue, amongst others, whether the articles in the shop were or might be used for purposes of an unlawful association, and was pleased to observe that there was "not an iota of evidence to support it", characterising it as "not only untenable but preposterous" contention made on behalf of the Government of Bengal that those articles were or might be so used. It was further contended that if the articles—homespun cotton clothes, silks and woollens—were incapable of being unlawfully used, the money realised by the sale of these might be so used and that in Sub-section (2) of Section 17 (B) of the above-mentioned Act the words "any articles specified in the list" should be understood to 'include' the words "their equivalent in money." The learned Chief Judge found that neither language nor imagination could be so lengthily stretched as to mean what the Sub-section did not and could not mean. He mentioned it as "a curious fact" that having kept the shop with its contents locked up and its business necessarily closed for so many months the Government should now advance the plea that the goods were or might be used for an unlawful association!

The A.I.S.A. have, therefore, been entitled to the posession of their goods in the College Street Market shop, but not without a lot of trouble. This organisation, which has nothing to do with politics but confines itself to the promotion of village industries, particularly hand-spinning and hand-weaving, had no less than 32 centres throughout Bengal. Twenty-eight of these, mostly producing centres, were locked up by the police in October, 1942, and subsequently 17 of the latter were declared unlawful under the Cr. L. A. Act. The police took over the custody of the properties at these centres but the procedure of inviting claims, as contemplated under the Act, was adopted so far as we know, in 11 centres. No information is available about the other six centres. Eleven more centres have remained sealed up for 18 months now without the Government either

declaring them unlawful or returning them to their owners. It is interesting to note that two centres in Bankura district, one at Sonamukhi and the other at Biharjuria, were declared unlawful as office of the "All India Congress Commitee" and that the properties therein declared forfeited by order of the District Magistrate who not only put them under auction but also recorded bids before notifying the claimants to make representations. Here, too, the Magistrate found that there was nothing to show that the belongings therein "were either used or are likely to be used by the A.-I.C.C. or any other unlawful association" and ordered the return of the articles seized.

It is difficult to understand what the policy of the Government is—if there is any policy at all—behind its clumsy and tortoise-like action to reward to the A.I.S.A. We are not at present commenting on the rightness or wrongness of these searches and lockings-up. The ground cited for the action taken in respect of the Bankura centres, to which we have already referred, shows that Authority at first sight took the A.I.S.A. and the A.-I.C.C. to be identical bodies. It is, however, hardly creditable for authority that it should take nearly a year to discover that the one had nothing to do with the other. The only effect achieved is that a flourishing and rapidly developing home industry that provided empoyment to thousands of villagers and that would have considerably helped the efforts at rehabilitation and stabilisation now being made after last year's catastrophe has been totally disorganised and virtually killed. One would naturally like to know what the Government of Bengal has to say about its curious procedure in connection with the A.I.S.A.'s production and distribution centres. We for one would like nothing better than to have the Government consider seriously whether the present conditions in the province do not call for a definite change of policy regarding village industries, whether they do not call for an all-out encouragement of these and whether the A.I.S.A. should not be allowed to take their accustomed part in securing the welfare of the rural masses together with other organisations, of similar character by finding for them avenues of employment and increased income.

## POLICE OFFICER'S APPEAL AGAINST CONVICTION

The hearing was resumed on Friday before a Special Bench of the Calcutta High Court, consisting of the Chief Justice, Mr. Justice Khundkar and Mr. Justice Lodge, of the rule obtained by Mr. R. C. Pollard, Superintendent of Police of Murshidabad, against his conviction under Section 355 I.P.C. and a fine of Rs. 200 by a magistrate of Berhampore (previously reported in "The Statesman").

The Chief Justice inquired of the Standing Counsel why the Government had not yet produced in court originals of the correspondence that had passed between the District Magistrate of Murshidabad and the subdivisional magistrates of Lalbag and Berhampore connected with the Jiagunge rice looting case and Mr. Pollard. His Lordship expressed his surprise that the Government was delaying in producing these letters (copies of which were produced on Wednesday, when His Lordship directed the production of the originals).

The Standing Counsel (Mr. J. N. Majumdar) said that the originals were with the Commissioner. He could not say if the Commissioner was in Calcutta. He had intimated to the proper authorities yesterday at 2 p.m. that the Chief Justice wanted the original letters to be produced in court. If his Lordship wanted, Counsel could make immediate inquiries.

The Chief Justice observed that it was a very serious matter. The Commissioner took away all the papers (connected with the Jiagunge rice looting case) from Mr. Chatterjee (the District Magistrate of Murshidabad) some time ago.

The Standing Counsel said that he could assure his Lordship that the Government had no intention of withholding those papers. Every en-

deavour was being made to produce them. Counsel did not meet the Commissioner himself in this connection but he had followed the usual channel.

The Chief Justice gave the Standing Counsel permission to leave the Court and make inquiries of the Government immediately about this matter.

Mr. Suresh Chandra Taluqdar, continuing his argument on behalf of the complainant said that the records of the case did not show that the accused had not got a fair trial.

The Chief Justice observed that as a result of the letter of Mr. Fazlul Huq to the District Magistrate of Murshidabad in the Jiagunge rice looting case the wish of Mr. Fazlul Huq was complied with and that case was held up till Mr. Fazlul Huq had gone through the papers. Then there were further instructions in another letter. What could have been the impression of Mr. Pollard? He might have thought that he would not get a fair trial.

Mr. Taluqdar submitted that what happened in the Jiagunge rice looting case and the letters that passed between Mr. Fazlul Huq and the District Magistrate had nothing to do with the present case. Their Lordships had issued a rule in that case which was therefore sub judice and so these letters could not be referred to in the present case and they were also irrelevant. His client should not be put under the "shadow of any prejudice that might have been created in that case". Simply because the magistrate in the present was subordinate to Mr. Chatterjee, the District Magistrate, it did not follow that he was influenced against Mr. Pollard. There was no evidence of any such prejudice.

Mr. Justice Khundkar observed that there appeared to be an emergency with which Mr. Pollard had to deal and with a hostile crowd. The complainant at the moment entered the compound. He was asked to go away but he refused. Upon this the hostile crowd shouted and encouraged the complainant and threw stones. The arrested persons were in police custody. There was annoyance, violence and disorder. Would not all this make some difference?

Mr. Taluqdar said that the complainant was a pleader. He was in his robes. He communicated his mission which was known to Mr. Pollard. The facts "stultified" all the circumstances pointed out by Mr. Justice Khundkar. Further, the accused fisted and kicked the complainant for which there was no justification. He did something in opposition to law, and "official capacity" could not protect him.

The Standing Counsel for the Crown said that a wide and liberal construction ought to be put on Section 197 Cr. P. C. The sanction of the Government should have been obtained before instituting the present proceedings. It appeared from the judgment of the Sessions Judge that Mr. Pollard had been acting in his official capacity though he was hasty and not cool.

Mr. Carden Noad, in reply, said that it was for the court, if the question was raised in that court that the accused might have committed an offence while acting in the discharge of his duty as a public servant, to satisfy itself by prima facie inquiry for the purpose of deciding whether Section 197 was to be applied or not. The court could not wait till the end of the whole trial to decide the point.

The Standing Counsel said that he had now the documents (in originals) in his possession. He would go through them and after finding out the relevant ones would produce them.

The hearing had not concluded when the court rose.

The Magistrate added in his letter to Mr. Huq that the strictures against the S.D.O. and the superior officers were unjustified. He (the District Magistrate) proposed to tell the Superintendent of Police that the case in question was adjourned at the instance of Mr. Huq in order that he might have an opportunity of going through the papers of the case.

The next letter written by Mr. Huq from Calcutta, dated October 28, 1942, addressed the District Magistrate as "My dear Chatterji" in which he introuced to him Mr. Syed Badruddoja, M.L.A., secretary of the Progressive Coalition Party. In that letter Mr. Huq wrote: "There is one particular matter regarding which he (Mr. Badruddoja) will speak to you, and I hope you will hear him fully and help him to the best possible extent. I am referring to the case with regard to which that 'Imperial Officer' has made those stupid remarks and objectionable comments. You have done well to tell him that it was I who is responsible for the step that has been taken. I have told the I.G. of Police everything, and let us hope that when the time comes, I will be able to give him a good ducking.

"I do not wish to say much in detail, because Mr. Badruddoja will be able to put our case completely before you. I trust you are keeping well. My Bijoya greetings to you."

The next letter, written by Mr. Huq to the District Magistrate, was dated November 3, 1942 and marked "personal and confidential". In it he said:

"I am again sending Mr. Syed Badruddoja to you. I am told that the S.P. is adopting most autocratic methods in order to bring about the conviction of the accused. The police are at liberty to collect as much evidence as possible in support of the charges, but this must be done legitimately, and dishonest attempts to pile up facts and circumstances against the accused must be severely condemned. In the case of this particular officer, nothing seems to be strange, I will not say much about him because all his doings may form the subject matter of Departmental proceedings. I am somewhat concerned about the manner in which he is alleged to be persecuting the accused in this case. This should not be allowed. The S.D.O. should assert himself and not yield to threats. After all, the S.P. is not the Government, nor is the S.P. the repository of all power. So long as the S.D.O. does his duties honestly and uprightly, he has got nothing to fear. As a matter of fact, if he thinks that the evidence does not justify commitments and that the facts and the circumstances justify discharge of the accused, he should not hesitate to do so, because of the consequences which his orders might have on the S.P. I can give him this assurance through you that the Government will stand by him and support him in what he does. I have asked Mr. Syed Badruddoja to explain to you what I would very much wish to see should be done. I do not like to put those things on paper.

This letter is meant for you only and I hope you will destroy it after perusal."

Mr. Carden Noad (for the petitioner) then placed before the court the petition which stated that the S.D.O. who tried the Jiaganj rice looting case as a special magistrate was throughout the trying magistrate in the case against the petitioner, which was decided on January 5, 1943, and that on January 7 last the petitioner had stated to various officers of the Government including the Additional Chief Secretary, Mr. Porter, that the then Chief Minister had used his influence to secure the petitioner's conviction.

The hearing had not concluded when the Court rose for the day.

### CONGRESSMAN ACQUITTED — "POLICE PADDING" — MAGISTRATE DISBELIEVES "EYE-WITNESSES"

DELHI, May 12.—"I may say at once, therefore, that I entirely disbelieve Faridudin and Rattan Singh and I am constrained to remark that their inclusion as eye-witnesses is nothing short of police padding which is most regrettable." Thus observed Mr. Disney, Section 30, Magistrate, Delhi, while acquitting Mr. Surrender Nath Jauhar, a prominent Congressman of Delhi, and five others, who were being tried under Section 225B/149 and 322/149, I.P.C.

The prosecution story is that on the 17th August, 1942, R. S. Lala Gopal Das, the then Additional Superintendent of Police (C.I.D.) Delhi,

received instructions from Mr. Mellor, S.P., C.I.D., to arrest Mr. Surender Nath Jauhar under Rule 129 of the Defence of India Rules. The Additional Superintendent, Police, accompanied by S. I. Bhagwan Das, went in a car to Mehrauli on Babar Road, where a house of Mr. Jauhar was under construction. Mr. Jauhar was alighting from his car when the two officers caught him. On an alarm raised by Mr. Jauhar, 8 or 9 persons working at his house came there and, it is alleged, assaulted the two officers. Mr. Jauhar was rescued and he drove away towards Delhi. The police officers pursued Mr. Jauhar in their car. When Mr. Jauhar entered his house in Central Lane, Inspector Sita Ram and Assistant Sub-Inspector Rashidul Hasan who were present there, on an order from R. S. Gopal Das, arrested Mr. Jauhar.

The defence story is, that when the two officers reached the house under construction, they were unknown to Mr. Jauhar. S. I. Bhagwan Das drew his revolver and levelling it at Mr. Jauhar's chest demanded "Hands Up." In the meantime, R. S. Gopal Das, addressing the S. I. said: "Shoot him, shoot him. Why don't you shoot him." On this Mr. Jauhar caught the revolver and grappled with the S. I., knocking him down. R. S. Gopal Das, who was armed with a 'danda', began beating Mr. Jauhar. In his effort to release Mr. Jauhar's grip on the pistol, the S. I. bit Mr. Jauhar's hand, who succeeded in wresting away the pistol from the S. I. In this interval, three of Mr. Jauhar's men arrived on the spot. Thereafter R. S. Gopal Das asked for "armistice" and the parties began to pad. It was further alleged by the defence that R. S. Gopal Das apologised for having behaved in that manner and begged with folded hands the return of the pistol. It was decided that if the pistol was returned, Mr. Jauhar would be allowed to go to his house and after that he would be arrested. The pistol was returned. When they all reached the Central Lane, the police officers, on the alleged pretext of a crowd beginning to collect, arrested Mr. Jauhar and drove him away to the police station.

Two eye-witnesses, Ratan Singh, Lambardar and Faridudin, were produced by the prosecution. About these witnesses the learned Magistrate remarked. "To me it appears highly suspicious that these two witnesses are intimately known to each other and one of them, namely Ratan Singh, also knowing both the police officers, should have by chance arrived on the spot at the critical moment of the assault on his two police officers. Apart from this, however, the reasons given by these two witnesses for their presence on that particular day are not only unsatisfactory but in the case of Faridudin most discrepant and contrary. I may say at once, therefore, that I entirely disbelieve these two witnesses and am constrained to remark that their inclusion as eye-witnesses is nothing short of police padding which is most regrettable."

Discussing the evidence of the two police officers, the magistrate writes:—"I see no reason to discredit R. S. Gopal Das and S. I. Bhagwan Das Jain on this point. At the same time, I have not sufficient material on record to discredit the defence witnesses who depose to the contrary. Neither R. S. Gopal Das nor the S. I. were in uniform. They did not have any warrant for Mr. Jauhar's arrest. I must give the accused the benefit of doubt and hold that their resistance to Mr. Jauhar's arrest was merely resistance to two persons laying hold of Mr. Jauhar and cannot be considered as a resistance to legal apprehension.

## CONTEMPT CHARGE AGAINST S. P. — CASE IN HIGH COURT

LAHORE, April 4.—In pursuance of a 'rule nisi' issued by the Lahore High Court to show cause why he should not be dealt with for contempt of court, Mr. J. M. Dean, Superintendent of Police, Sheikhupura, appeared today before Mr. Justice Mohammad Munir.

The rule was issued following a petition by Pandit Amar Nath alleging that Mr. Dean had expressed surprise at the judgment of Mr. Justice Mohammad Munir releasing his son Kewal Kishen on bail.

The facts of the case were that Kewal Kishen was arrested under Section 366, I.P.C. and released on bail by a Magistrate. He was re-arrested by the Police. Kewal Kishen's father put in a petition in the High Court that his son's re-arrest and confinement was illegal. Mr. Justice Mohammad Munir accepted the petition and ordered that Kewal Kishen be released on bail.

Pandit Amar Nath filed a complaint against the Sub-Inspector of Police, who was responsible for illegal arrest of his son. This complaint was referred to by the District Magistrate for report to Mr. Dean, Superintendent of Police, who expressed surprise in writing over the judgment of the High Court.

Syed Ghulam Haider Shah, Advocate of Sheikhupura, appeared for the petitioner. Mr. Saleem, Advocate-General, represented Mr. Dean.

Mr. Dean, in his affidavit, said that he did not mean any disrespect to the court.

Mr. Saleem submitted that it was an unfortunate expression, but Mr. Dean had stated in court that he did not mean any disrespect to court.

At this stage Mr. Justice Mohammad Munir put certain questions and Mr. Dean stated that he was not responsible for ordering the re-arrest of Kewal Kishen. The accused was arrested by Sub-Inspector Sajwal Khan in the ordinary course after adding a fresh charge to the case already registered against the accused. He did not see anything wrong in the re-arrest of the accused by the Sub-Inspector on a more serious charge.

His Lordship asked that in his report on the complaint to the District Magistrate he had mentioned the District Magistrate a Deputy Commissioner. Was he aware of the difference between the District Magistrate and the Deputy Commissioner and whether the Deputy Commissioner acted under the Criminal Procedure Code?

Mr. Dean said that he was unable to answer that question.

Mr. Justice Mohammad Munir asked if he was aware that a man who had been arrested for a non-bailable offence could not be re-arrested after he has been bailed out by a Magistrate, without obtaining orders of the Magistrate.

Mr. Dean said it was so, but he knew that the Police could arrest a person for another serious offence.

Mr. Justice Mohammad Munir.—Mr. Saleem, if you convince me that I have made a fool of myself in writing that judgment, I am prepared to discharge the rule against your client.

Mr. Sleem.—No doubt, the expression was unfortunate but Mr. Dean did not mean any disrespect to court. He merely expressed opinion as we express it every day when we disagree.

Mr. Justice Mohammed Munir.—Supposing he had written that the judge was thoroughly incompetent and dishonest.

Mr. Sleem.—He could not say that because that would be tantamount to attributing motive. He had already stated that he meant no disrespect to court.

Mr. Mohd. Munir.—Here is an officer who is completely ignorant of law, does not know the difference between the Deputy Commissioner and the District Magistrate and further between complaint and petition and he passes remarks on judicial pronouncement of this court.

Mr. Sleem.—He does not claim to be well-versed in law. He is not a lawyer.

Mr. Mohd. Munir.—If a lawyer had done that, I would have sent him straight to jail for 6 months.

His Lordship said that he would consider the case. He would not take notice of it himself. He would either discharge the notice against Mr. Dean or would refer it to a Division Bench.

## POLICE OFFICERS GAOLED

BHAGALPUR, April 3.—Inspector Satya Narayan Mishra of Supaul, was convicted under Sections 384, 384/109, 114 and 342 I.P.C. and sentenced to one year's R.I. and to pay a fine of Rs. 500, in default six months' further R.I., by Mr. N.N. Das Gupta, First Class Magistrate, Bhagalpur.

Sub-Inspector Mohd. Hanif, Assistant Sub-Inspector Ashrat Ali and Daffadar Surja Narayan (alias Tither Panday) of Pratapgunj P. S. were sentenced under same charges to nine months' R.I. each.

The prosecution alleged that on October 25, 1942, the Daffadar along with several others went to Karbanna and arrested several persons, tied them and forcibly took them to Chhatapur where accused Satya Narayan threatened with incarceration and demanded large sums of money from each. The arrested persons borrowed money executing two 'Rukas'—U.P.

## HOW WAR LOAN WAS REALISED — ARREST HELD ILLEGAL — HIGH COURT'S VIEW OF D. M.'S ACTION

Mr. Justice Henderson delivered an important judgment in this rule obtained by the petitioner Fatik C. Pal Bag against an order of the District Magistrate of Murshidabad dismissing his complaint against the opposite parties Maulvi Salamatulla Chowdhury, Sub-divisional Magistrate, Berhampore, and Maulvi Abdul Rakib, a Sub-deputy Magistrate of Berhampore.

Briefly stated, the petitioner's complaint was one of illegal arrest and extorting a sum of money as subscription to the war fund.

The petitioner alleged that following his refusal to pay the subscription, he was illegally arrested and later prosecuted under the Defence of India Rules for using a stock of bricks in extension of his building without a special permit. During the pendency of the case a sum of Rs. 250 was paid as subscription to the war fund and under legal advice the petitioner pleaded guilty to the charge brought against him and was fined Rs. 25 by a Magistrate at Berhampore under the Defence of India Rules.

Subsequently the petitioner filed a complaint in the court of the District Magistrate of Murshidabad against the opposite parties. Eventually the District Magistrate dismissed the complaint of the petitioner and issued notice for showing cause why a complaint under Section 211, I.P.C. should not be made against the petitioner. The Sessions Judge of Murshidabad refused to interfere with the order of dismissal passed by the District Magistrate and against that order the petitioner obtained this rule.

In his judgment, his Lordship said, inter alia, that the order made by the District Magistrate in dismissing the complaint appeared to his Lordship to be entirely divorced from any sense of reality, nor could his Lordship find any materials which would justify a finding that the arrest of the petitioner was legal. There could be no doubt that the petitioner would not have subscribed this sum to the war fund if proceedings had not been started against him, and in this sense, it was undoubtedly extorted from him. His Lordship had little doubt that his muktears as men of the world gave him very good advice when they advised him to plead guilty to the charge. But his Lordship very much doubted whether if he had not so pleaded guilty, the prosecution would have been able to prove anything against him at all.

The only sound reason given by the District Magistrate in dismissing the complaint was the delay in making it. It was clear that the petitioner was trying to back out of the agreement which he had made after having got off with a nominal sentence. He should, his Lordship observed, either have been acquitted or properly punished. If the matter had rested there, his Lordship would not have been disposed to interfere but his Lordship would not certainly allow the petitioner to be prosecuted under Section 211, I.P.C. unless his complaint is properly inquired into in some other district.

Mr. N. K. Basu for the petitioner suggested that both the complaint and the further proceedings should be buried in oblivion. In his Lordship's opinion that was the most sensible thing to do. The order of the District Magistrate dismissing the complaint was upheld, but the proceedings started against the petitioner under section 211 were quashed.

### POLICE HIGHHANDEDNESS — FORCIBLE POSSESSION OF SCHOOL BUILDING RECALLED

DEHRA DUN, July 10.—"The year under report witnessed the most regrettable event of forcible possession of the building by the Police force in the early morning of 6th November, 1943," says Mr. Shanti Prappan Sharma, Chairman of the District Board, Dehra Dun, in his annual report which has been forwarded to the Commissioner, Meerut Division, referring to the question of conversion of the Town School building into City Kotwali.

He proceeds "The way in which the possession was taken was most undesirable. The inmates—members of the school staff and boarders—were asked to quit the building on pain of prosecution. The school-gates were closely guarded by the police and entry into the school compound was completely stopped. The furniture and appliances were thrown out from class rooms and were huddled in the court-yard which was fenced with barbed wires. The event of this kind cannot have any parallel in the history of any local body or the life of a private individual. The Board do not think that it was ever the intention of the Government that the possession of the building should be taken in this way. They, however, note with regret that the Government took no notice of this unjustifiable action, which greatly lowered the prestige of the Board, which is also a part and parcel of the Government and did not deserve such a treatment at the hands of a sister department.

"The old records available show that the building in question was originally constructed by the public of Dehra Dun as a Sarai, which was managed by the Mahant Sahib, Dehra Dun. After some years its management was transferred to the local Municipal Board, and when the necessity of the Sarai was no longer felt, the building was made over to the Board for running a middle school free of rent and without any such condition that it will ever either revert to the Government or the Municipal Board. As such it was considdered a donation for public purpose and the Board spent considedrable sums in making additions to the building to meet the educational requirements of the local public. The fact that the building and the land under it finds neither any entry in the intra-Municipal Nazul register maintained in the Municipal Office nor in that maintained in the Collectorate is the conclusive proof of the fact that this Board had become the absolute owner of it and no question of its resumption should have arisen after over 40 years of its transfer to the Board."

The estimated value of the disputed building is three lacs for which the Government at first offered a paltry sum of Rs. 30,000 but when the Board after having opposed the move insisted on an equally accommodious and suitable building for the school, the police force forcibly took possession of the building in question in the early hours of the day in order to avoid any sensation being created in the city.

### AUGUST DISTURBANCES ECHO — CONGRESSMAN AWARDED DAMAGES FOR WRONGFUL DETENTION

KARACHI, July 6.—Mr. Justice Hatim Tayabji at the Chief Court of Sind today ordered the Sind Government to pay Rs. 1,000 as damages to Mr. Santidas Idanmal, an advocate and Congressman of Karachi for wrongful detention in jail for three days during the August disturbances.

Mr. Santidas was arrested on August 19, 1942 and detained under Rule 129 of the D.I.R. After the expiry of the 15 days' period of detention on September 2, Mr. Santidas demanded under proviso (1), Sub-section 2 of Rule 129 D.I.R. that he be released. The jail authorities however, still kept him in detention till September 5, when a fresh order from the provincial

Government for further detention was served on him. He was finally released on May 23, 1943.

The plaintiff contended that his detention in prison from 2nd to 5th September was illegal and claimed Rs. 2,000 as damages. The Government argued that the case of the plaintiff for further detention or release was duly considered by the Government, but "owing to pressure of work in the Home Department and the district magistrate's office" no formal orders could be issued in time.

The court upheld the plaintiff's contention and awarded him Rs. 1,000 as damages with cost.—A.P.

## BAN ON EXPORT OF SOVEREIGNS — RESTRICTION "ULTRA VIRES"

A restriction contained in Rule 90 (B) of the Defence of India Rules held to be 'ultra vires' of the rule making powers granted by the Defence of India Act by Mr. R. Mathalone, Presidency Magistrate, Third Court, Bombay, on Thursday, in acquitting Yan Chin, a ship's fitter, of a charge of exporting 76 gold sovereigns without the permission of the Reserve Bank of India.

On February 3 last, Customs Preventive officers in Bombay, carried out a search on the ship on which Yan Chin, a Chinese, was employed as a fitter. Seventy-six sovereigns valued at Rs. 3,800, were found concealed in three bags in the floor boards of the fitter's cabin. He was then arrested and prosecuted under the Defence of India Rules.

The main defence contention advanced by Mr. Ishwarlal C. Dalal, Advocate for the accused, was that Rule 90 (B) was enacted under Section 2 (2) 26 of the Defence of India Act. Rule 90 (B) was 'ultra vires' because it did not restrict the export of gold to a particular person, or a particular class of persons, but restricted it generally.

The Magistrate agreed that if Rule 90 (B) was enacted under Section 2 (2) 26, it would be 'ultra vires'. The Magistrate stated that Rule 90 (B) was a rule by which the Central Government applied the provisions of the Sea Customs Act to the restrictions on the import of gold. If gold was included in the general term "goods," and the Magistrate thought that gold coins, which were not legal tender, could be included in the general term "goods," then the Central Government had no power to apply the provisions of Rule 19 to the restriction on the export of gold, except in limiting that restriction to a particular person, or class of persons.

The restriction under Rule 90 (B) was a general restriction and, therefore, in the opinion of the Magistrate 'ultra vires'.

Further, the Court held there was a burden placed on the prosecution to prove that the accused did not obtain the necessary permission from the Reserve Bank, which formed one of ingredients of the offence. The prosecution had not discharged that burden. In the opinion of the Magistrate, the failure on their part was fatal to the success of the prosecution.

Mr. C. B. Velkar, Police Prosecutor conducted the prosecution. Mr. Ishwarlal C. Dalal appeared for the defence.

## HIGH COURT CENSURES PRISON OFFICIAL — WITHHOLDING DETENU'S APPLICATION

NAGPUR, September 13.—A Division Bench of the Nagpur High Court consisting of Justice Vivian Bose and Justice Sen held Colonel N. S. Jatar, Inspector-General of Prisons, C. P. and Berar, guilty of contempt of court and administered a censure on him for not forwarding a revision application of Mr. B. N. Saoji, then a detenu in the Nagpur Central Jail, dated September 22, 1943 to the High Court.

The Judges also asked Mr. M. A. Razak, the Magistrate before whom the case against Mr. Saoji under the Prisons Act was pending, to explain why he detained the application for four days before returning it to the jail authorities. The order is returnable in a fortnight.

The Advocate-General, Mr. Hidayatullah, at the outset, declared that the whole matter was very regrettable and explanied that the Inspector-General in ignorance of the law did not consider it necessary to forward the application to the High Court, as it was received by him after Mr. Razak had delivered judgment and as such it was a dead application.—A.P.

## HABEAS CORPUS APPLICATION — QUESTION OF CUSTODY — NAGPUR HIGH COURT'S ORDER

NAGPUR, September 5.—Today when Mr. P. Y. Deshpande's habeas corpus application came up for hearing before Mr. Justice Bose and Mr. Justice Sen, Mr. Hidayatulla, Advocate-General, stated that by the orders of the Provincial Government Mr. Deshpande would continue to remain in police custody for another 15 days.

Mr. Justice Bose: 'I want to know how the safety of the realm would be endangered by transferring him to the jail. Why is he kept in the police lock-up?'

Advocate-General: A statement will be filed as early as possible.

Mr. Justice Sen: Your position is like that of an ordinary litigant. Fraud has been alleged. An affidavit by a responsible officer of the Government is, therefore, essential.

Advocate-General: I will impress upon the authorities that an affidavit is necessary and that if it is not filed they will give room for adverse inferences.

Mr. Justice Bose: I would like to hear you whether an affidavit is necessary.

Advocate-General: I take it my lord that it would be left to the option of the Government.

Mr. Justice Sen: I hope you will follow the good practice of the Lahore Advocate-General in assisting this court.

Advocate-General: I shall not be found wanting in my duty to this court.

Mr. Justice Bose: But the idea seems to be to obstruct as much as possible. Here the counsel is not even allowed to see the accused.

Advocate-General: No discourtesy is meant, my lord.

Mr. Justice Bose: We do not care about discourtesies. The question is, are you granting interviews?

Advocate-General: I am not aware if it was asked a second time.

How long but if your lordships desire that interviews should be granted —Mr. Justice Bose: We do distinctly desire.

Advocate-General: Then it shall be considered.

Mr. Justice Bose: You put him in the lock-up—for three weeks and now you say, you will consider the question of granting of interviews.

Advocate-General: I will take up the matter with the Legal Secretary at once.

Mr. Justice Bose: Why should he not be produced in court?

Advocate-General: It is not the practice when a counsel is appearing.

Mr. Justice Bose: Yes: And I am waiting for the provincial government to say that these learned counsel are unfit to interview the prisoner.

Advocate-General: But I shall make my statement.

Mr. Justice Bose: If no legal interviews are granted we shall ask for the production of the prisoner and he shall instruct his counsel in our presence.

When the court resumed hearing of the case at 4 p.m. Mr. Hidayatulla, Advocate-General stated that the prisoner was in the custody of the D.S.P. and the counsel could apply to him for interviews.

Mr. Justice Bose: I am not going to have this nonsense any more. First the jailor is approached. The jailor says, 'go to the district magistrate' and now it is the D.S.P.

Mr. Justice Sen: The understanding was that there would be no difficulties for counsel to have interviews with the prisoner.

Mr. Justice Bose then passed an order to the effect that according to the instructions of the Advocate-General the authorities would have no objection to the counsel interviewing the prisoner and that the counsel would be allowed to have such interview at such time as may be arranged with the D.S.P.

As he was rising, Mr. Justice Bose remarked 'It is astonishing. The authorities are acting as if the British Government was falling to pieces.'

## MAGISTRATE'S TRIAL HELD ILLEGAL — PATNA HIGH COURT JUDGMENT — CONVICTION SET ASIDE AND ACCUSED ACQUITTED

PATNA, May 29.—Mr. Justice Bevoor heard an application on behalf of Rangbahadur Prasad and another who had been convicted by a Special Magistrate of Sassaram and sentenced to undergo various terms of imprisonment and pay fine.

The case for the prosecution was that the police having received information that the petitioners were instigating youths specially students to join the last political disturbance, raided a "mathia" for their arrest. From outside, the doors of the "mathia" were closed. When nobody responded to their call, they forcibly entered into it and found the petitioners present on the spot along with other persons. The "mathia" was searched and their persons were also searched as a result of which a large number of prejudicial and incriminating leaflets were recovered.

His Lordship said that the trial of the petitioners was illegal because the Magistrate was not empowered to try the offences with which the petitioners were charged. In this view of the matter the conviction and sentence of the petitioners was set aside and they were acquitted.

## TWO CRUCIAL FLAWS IN SESSIONS TRIAL

"There were two grave omissions in the Sessions trial—one that the identification proceedings in the jail were not produced and the other that the investigation officer was not examined," was the remark made by Mr. Justice Plowden in disposing of the criminal appeal filed by Rajdeo and eight others against the judgment of the Sessions Judge of Ghazipur, who convicted them under Section 395, I.P.C. and sentenced them to five years' R.I. each. His Lordship allowed the appeal of six and dismissed that of three.

On August 20, 1942 about 9-30 a.m. a huge mob of about 2,000 persons attacked the seed store at Mohammadabad. They broke open the lock of the main gate and looted hundreds of maunds of grain, bhusa and empty bags etc. The superviser, Ram Sudhar Singh, went to the police station on the 21st of August but could not find any one there. On the 24th of August he went to the Kotwali, but was informed there that the Mohamadabad thana had reopened. He tried to make a report there on the 25th, 28th and 30th of August but was unsuccessful because all the papers had been burnt. Consequently on the 31st of August he made two written reports one to the Superintendent of Police and the other to the District Magistrate of Ghazipur.

The learned High Court Judge observed that in view of the above mentioned omission the learned Session Judge found only nine guilty out of 24 accused. But he said that it was none the less surprising to him that the names of three accused were not mentioned in the first information report. Considering that the superviser had a long time to make the report and that the identification proceedings in the jail were not before his Lordship,

it was quite impossible for him to convict those who were not mentioned in the first information report. Therefore, those three accused were acquitted and order was issued for their release. Of the remainder, one accused was not mentioned by the superviser in the Magistrate's court nor by the Kamdar, Sheo Shankar Tewari, in the Sessions Court. The evidence taken in the Sessions file under section 33 of the Indian Evidence Act was clearly insufficient against him. He was, therefore, acquitted and set at liberty. Of the remaining five accused, two were not known to the superviser, although they were both known to the Kamdar. In the opinion of his Lordship, considering the omissions in the evidence, it was not safe to convict those two accused on the evidence of one Kamdar, who was cross-examined in the Sessions Court.

As the evidence against the three remaining were extremely strong, their appeal was dismissed.

Capt. Carleton, and Mr. E. V. David defended the accused, while Mr. Vishwamitra, Assistant Government Advocate, represented the Crown.

### MAGISTRATE'S REPLY CRITICISED — NAGPUR HIGH COURT

NAGPUR, October 24.—Mr. Justice Vivian Bose and Mr. Justice J. Sen, of the Nagpur High Court, ordered the release of Mr. Gokulchand, a maiguzar and banker of Betul, giving judgment in the habeas corpus application. The applicant had stated 'inter alia' that he had not acted in any manner prejudicial to public safety and maintenance of public order and that his detention was 'mala fide' as he was detained solely for the reason that he was the nephew of Seth Dipchand Gothi (M.L.A.) who is in detention.

The High Court ordered the Crown to produce the order under which the applicant was detained. The High Court received a letter from the Deputy Commissioner of Betul saying that the order in question may be obtained from the Superintendent of the Central Jail, Nagpur.

Their Lordships ordering the release of Mr. Gokulchand said: "These replies of District Magistrate are impertinences of the kind which seem to be becoming a routine in this province. When this court calls upon the Crown to produce an order of detention it is the duty of the Crown to produce the order or take the consequences. It is no part of this court's duty to run from office to office and from one subordinate official to another seeking for something which will justify its keeping a man in jail. For the District Magistrate, in reply to a notice served on the Crown, to tell the Registrar of this court to seek elsewhere for something which the Crown is under a duty to produce is reprehensible."

Information is received here that Mr. Gokulchand was released from Seoni jail and re-arrested.—A.P.

### "PARALLEL GOVT" CASE

PATNA, July 27.—"It does not stand to reason to suppose that the Congress resolution passed on August 8, 1942, at Bombay with its repercussions on the following day took wind, travelled straight to the hamlet," observed Mr. S. M. Yusuf, First Assistant Sessions Judge, delivering judgment in the "Parallel Government" case, setting at liberty 50 accused. He agreed with majority verdict of the assessors.

It was alleged that following the August disturbances of 1942 the accused on August 10 established "a Swaraj Government" with one of them as King, another as Prime Minister and three Ministers, one as Commander-in-Chief, one Deputy Commander-in-Chief and others as privates (senas). This happened in the village of Malpore in Mokameh district. The "new Government" then for its upkeep levied taxes on the villages and by beat of drum proclaimed that disobedience to the "new Government's" taxation would result in death and loot. Three persons refused to pay the taxes,

whereupon it was alleged, their houses were looted and the inmates assaulted. They somehow escaped and filed a petition to the District Magistrate. The accused persons stood charged under Section 395 of the Indian Penal Code (charge of dacoity).

### CONVICTION SET ASIDE — ALL OVER PROCESSION WITH GANDHIJI'S PHOTOGRAPH

MADRAS, February 2.—Holding that a mere procession with Mr. Gandhi's photograph should not be considered as furthering the aims and policy of the Congress, Mr. Justice Happel at the Madras High Court today set aside the conviction and sentence against two youths belonging to Ellore by the District Magistrate, West Godavari.

The youths were tried for contravention of the prohibitory order of the District Magistrate on October 29, 1943, when they took out a procession in connection with the celebration of the Swami Vivekananda Library Day. The police took objection to the exhibition of Mr. Gandhi's photograph along with that of Swami Vivekananda. The Sub-magistrate sentenced them to six months rigorous imprisonment but the Sub-divisional Magistrate on an appeal revised the sentence and directed them to be bound over for one year for good conduct.—A.P.

### NAGPUR CONTEMPT CASE — STRICTURES ON LEGAL SECRETARY — DETAILS OF HIGH COURT'S JUDGMENT

NAGPUR, November 7.—"We have been treated with scant courtesy and statements offensive in tone and temper and reckless in disregard for truth have been put in after careful deliberation and thought. It is impossible for us to overlook this persistent aggravation of the contempt. It is all the more impossible because of the tendency we have marked of late in more cases than one of attempts to ignore the authority of this Court, to trifle with it. It is necessary to make an example. Leniency has been misunderstood in the past and will therefore be misplaced. Forbearance and patience only evoke worse and worse recklessness. We accordingly sentence the Jail Superintendent to a fine of Rs. 250, or in default to 14 days' S.I."

These observations were made by Mr. Justice Bose and Mr. Justice Sen delivering judgment in the Contempt of Court Case filed by B. N. Saoji against Masumali, Superintendent, Nagpur Central Jail for failure to forward his application to the High Court while he was detained in the Nagpur Jail. It will be remembered that in the same application for contempt of court proceedings, the High Court censured Lt. Col. N. S. Jatar, Inspector-General of Prisons.

Their Lordships added, "We refrain from taking a more severe action and from imposing a sentence of imprisonment because it is evident that a man in the Superintendent's position would hardly have adopted this wholly wrong attitude had he not been encouraged in it tacitly or otherwise by those in authority. We trust that this will serve as a warning and as an example."

Proceeding their Lordships said: "This case becomes more and more serious the further we go and its ramifications have extended further than we had at first visualised. It is bad enough that in an important case of this kind where the good faith of high Government officials is being challenged there should be this inexcusable carelessness. It is bad enough in any ordinary case to be so careless, but here where the good faith of the Head of the Department is being challenged and where the complaint is that a document addressed to this Court is being deliberately withheld, not to hand it over to this Court at the earliest opportunity is inexcusable. And to hand over partial copies of other documents is equally inexcusable. This is particularly unfortunate here because it lays official honesty to serious doubt. Nothing beyond a mild admonition would have been neces-

sary had there been a frank and straightforward confession of guilt and explanation or apology of it, an unconditional and unqualified apology. But there is no trace of apology. There is no contrition. There is no expression of regret. On the other hand, false explanations are offered, the action is defended and the trying magistrate is attacked. We will remark that there is no possible excuse or justification for this attitude. We did give an opportunity to the Jail Superintendent to tender an unconditional pology regarding the omission to forward the application of this by the Legal Secretary was not only repeated by the Advocate-General in argument, but was actually defended. A new after-thought was added by the Jail Superintendent about an undefended undertrial prisoner and no repudiation was made of the prior explanation, which, in our opinion, is untrue despite the fact that we had hinted at the previous hearing that we found this difficult to believe. And to crown all is the Legal Secretary's long written statement that we are 'labouring under a misapprehension'."

Referring to the long written statement filed by the Legal Secretary, their Lordships observed: "We had not called for a written argument. The Advocate-General is the proper person to present the Crown case in argument. We deprecate manuscript eloquence in Court as much as any other judge. Written statements are not for the purpose of argument and statements filed on behalf of the Crown form no exception to this rule.

### "AN UNFOUNDED ASSERTION"

"One wonders," their Lordships remarked, "where the High Court comes in at all according to the Crown. We are at a loss to know how to characterise this. But for the High Court to be told in answer to its remonstrances that it is commonsense that revision petitions addressed to this Court for redress against wrongful or illegal action by a trial court should be sent to the trial court for disposal and action is not, in our opinion, either courteous or a proper answer. One knows that the powers of the High Court have been considerably curtailed under certain Ordinances. But things have not reached this pass. What possible bearing that has on the practice set up about forwarding petitions addressed to this Court to the trial court, we are unable to fathom. What we challenge is the untrue and unfounded assertion that it is the practice to send such applications or any other application for that matter addressed to the High Court to the trial court, without any effort to ensure they reach the High Court.

"To say that this solitary instance constitutes a practice of many years based on commonsense and to persist in saying it even after opportunity is afforded to acknowledge the error and set it right is perverse," their Lordships observed in conclusion. "A more recklessly negligent statement would be difficult to find—and that not made by some illiterate and ignorant litigant but by the Crown after serious deliberation and consultations with its Law Officers. Ordinary litigants, who make false statements of this character recklessly, lay themselves open to a criminal prosecution for perjury.

"With regard to the statement of the Legal Secretary that there was no question of suppressing or withholding the application, the Court observed that it was a strange statement when those documents had admittedly been withheld whatever the reason. It was also an impertinent answer to give this Court when its Judges raised the question very seriously. If there was no question of withholding the documents what were they (Judges) inquiring into? The Court was entitled to greater care and more courtesy from the Law Officers of the Crown. In an important matter touching the honour, integrity and honesty of high Government officials, the Legal Secretary had stated in fact that it was no business of anybody but the clerical staff to see what documents were given to this Court and what copies to be forwarded. Their Lordships found it difficult to determine whether this was incompetence or impertinence."

## A RAILWAY CASE

The Calcutta High Court (Henderson and Sharpe, J.J.) has just disposed of an appeal for reduction of sentence of transportation for life passed on the appellant, an Indian soldier, under section 326 I.P.C. (grievous hurt) by the Sessions Judge of Murshidabad in agreement with the unanimous verdict of "guilty" of the jury. In the appellate court the facts of the case, it appears, were not in dispute. The question was only one of sentence. The prosecution case briefly was this: In March, 1943, when a train from Sahibganj to Howrah arrived at Nimtita railway station at about 8 p.m., a party of eight persons wanted to get into the train. Three Indian soldiers, including the appellant, were travelling in a third class compartment. Four of the party got into the compartment and began putting their bundles on the bunks below on which the soldiers were lying down. The soldiers objected to this. Two of the party were roughly handled by the soldiers. The appellant was lying down on a middle bench. He stood up, took a rifle and fired a shot through the space of the door. The bullet hit one Manoranjan Das, who was trying to enter the compartment and killed him on the spot. There were civilian passengers in the compartment who saw the firing. The Station Master demanded the names of the soldiers which they refused to give. Later they gave their names and their warrants to Mr. Webster, the Ferry Superintendent of Sahibganj, who was travelling in the same train and was in military uniform. At Bandel station the next morning, the appellant was arrested and released on personal recognizance as he was at that time on military duty.

On these facts the appellant was prosecuted and charged with the offence of murder under section 302 I.P.C. He stated that he did not fire the gun and that he was not guilty. The evidence, however, was overwhelmingly against him and the jury found him unanimously guilty, but curiously enough, not under section 302 I.P.C. but under section 326 I.P.C. (grievous hurt). The Sessions Judge sentenced him to transportation for life as in his opinion there was no doubt that extreme penalty of the law admitted the appeal on the question of sentence only. Against this order the High Court have reduced the sentence from one of transportation for life to a term of rigorous imprisonment for seven years.

We confess we are unable to follow their Lordships in the reasons they have given for reducing the sentence. We do not find a single extenuating circumstance. The appellant's conduct was that of a man who did not in the least care for the consequences of his very dangerous act. He refused to give his name. His comrades did likewise. They gave their names only when they found themselves confronted by a European gentleman in military uniform. If ever the extreme penalty of the law, that is, the sentence of death under section 302, was called for, this was one. It is true that, sitting as an appellate court, their Lordships could not enhance the sentence. They could, however, in our view, take action under section 439 of the Criminal Procedure Code, convert themselves into a court of revisional jurisdiction and order a retrial, provided however they were satisfied from the evidence and circumstances of the gravity of the nature of the crime. In any event, we do not understand why the maximum sentence under section 326, that is, transportation for life passed by the Sessions Judge, was not affirmed. That section provides also for, an alternative sentence of 10 years' rigorous imprisonment. Their lordships seemed to have held the view that since the jury thought that the conviction should probably come under section 326 the sentence should be based upon that view. The jury's view was that the appellant had no intention of causing grievous hurt but in the circumstances of the case he must have known that it was likely to do so. There was no question of grave and sudden provocation which could be construed as an extenuating circumstance. In the absence of such provocation his guilt, at any rate under section 326, for voluntarily causing grievous hurt by means of the rifle which he knew very well was likely to cause death, was brought home to him. We are therefore unable to appreciate why neither transportation for life nor

even ten years' rigorous imprisonment was considered appropriate and a lesser sentence was inflicted.

## ORDERS RESERVED IN RICE LOOTING CASE

The Special Bench of the Calcutta High Court consisting of the Chief Justice Mr. Justice Khundkar and Mr. Justice Lodge has reserved judgment on the rule issued by the Bench in the Jaiganj rice looting case (previously reported in "The Statesman").

At the resumed hearing of the rule on Friday Mr. N. K. Basu (for some of the accused) told the court that advocates for the accused had not been allowed to inspect the explanation submitted by Mr. S. K. Chatterjee, District Magistrate of Murshidabad to the High Court against the issue of the present rule, without special permission of the court. Usually such explanations were open to the inspection of advocates.

The Chief Justice said that he had directed copies to be made of the explanation and given to the advocates. In the meantime he would ask Mr. Ellis (Registrar of the High Court, Appellate Side) to read it out.

Mr. Ellis read out the explanation which was to the effect inter alia that this case was transferred from the court of the sub-divisional magistrate of Lalbag to that of the sub-divisional magistrate of Sadar, Murshidabad, sitting as a special magistrate, at the instance of Mr. Pollard. The accused objected but Mr. Chatterjee rejected their application. The letters of Mr. Fazlul Huq had nothing to do with the merits of the case. The Government had the right to look into the records of any case. No extra-judicial pressure was brought to bear upon the trial magistrate.

Mr. Justice Lodge observed that it was never the practice of the High Court to allow advocates to have copies of such explanations.

Mr. Basu said that he had not disputed that. But his grievance was that he was not allowed inspection though it was always the practice of the High Court to allow it.

The Chief Justice said in England such explanations were treated as confidential. However, the advocates could have copies of the explanation in this case.

Mr. Basu continued that the facts alleged by Mr. Pollard suggesting suspicion of prejudice in the trial were false. No reasonable man could have any suspicion of interference with the administration of justice.

The Chief Justice observed that the letters that passed between Mr. Huq and Mr. Chatterjee themselves showed interference with the course of justice. The Magistrate postponed the case at the instance of Mr. Huq. This was definite interference.

Mr. Basu said that there might have been some justification for such interference.

The Chief Justice said there could be no justification for such action.

Mr. Basu submitted that Mr. Pollard had done many things to attract the attention of the Government. It might be that the Chief Minister wanted to go through the records in his case because of certain acts or conduct of Mr. Pollard in it.

The Chief Justice inquired of Mr. Basu if he was really arguing to justify the interference.

Mr. Basu replied that there was an attempt to interfere, which might be justified because of the conduct of Mr. Pollard. There was in fact no interference with the course of justice.

Mr. Justice Khundkar observed that if some act or conduct of Mr. Pollard was the occasion for the interference, there were other more proper ways of dealing with it. There might have been departmental inquiry, disciplinary action, etc.

Mr. Basu submitted that having regard to the court's decision in the Ordinance 19 case that where a sentence had been served out, the court should direct that no further proceedings be taken, he would ask their Lordships to discharge this rule as the sentences passed by the special magistrate had been served out.

Arguing the case on behalf of five other accused, Mr. S. N. Banerjee (sr.) said that he would remind their Lordships of the observations quoted from Lord Hewart's judgment on Thursday that "justice must not only be done but must appear to have been done," and emboldened by that, he would submit that Mr. Justice Lodge ought not to be sitting in this court. Mr. Justice Lodge was a friend of Mr. Pollard, and Mr. Banerjee said so because he had heard his Lordship say so in the Criminal Bench when counsel happened to be there. Mr. Banerjee submitted that the constitution of this Bench would not make it appear that justice would be done, although he presumed their Lordships had every intention of doing so.

Mr. Justice Lodge said that the statement made by him was that Mr. Pollard was stationed in the same station as himself 10 years ago, some time in 1934, but he had not spoken to him since.

The Chief Justice observed that he had on many occasions spoken to Mr. Fazlul Huq. Was he then disqualified from sitting on this Bench?

Mr. Banerjee replied that that was a matter for his Lordship. At the time of granting a rule (relating to the production of some papers from Government custody), Mr. Banerjee said that he recollected that his Lordship (Mr. Justice Lodge) said that he would not hear the rule regarding these papers as he was a friend of Mr. Pollard. That was his recollection and it was heard by some one else as well.

Mr. Justice Lodge: Did I say that I am a friend of Mr. Pollard?

Mr. Banerjee: I have a distinct recollection.

Mr. Justice Lodge observed that in that case he would not contradict Mr. Banerjee.

Counsel said Mr. Noad was moving an application for the production of some papers in Mr. Pollard's case. There was a discussion, and Mr. Justice Lodge granting a rule said that as a friend of Mr. Pollard he would do nothing with it.

Mr. Justice Lodge remarked that he certainly said that he did not want to try it. He was in the same station 10 years ago, and his Lordship did no know whether he had spoken to him since then. His Lordship thought Mr. Pollard was then a junior assistant superintendent of police. His Lordship was then a senior man.

Mr. Banerjee said that then (at the time of granting the rule) his Lordship felt embarrassed and his Lordship had got over that embarrassment, he would still ask the court to apply the test that justice should not only be done but it should appear to have been done.

The Chief Justice inquired whether it was the suggestion that Mr. Justice Lodge having been in the same station 10 years ago as District Judge and Mr. Pollard as an ASP there was the possibility that justice might be prejudiced.

Mr. Banerjee said his Lordship was putting him an extremely embarrassing question. He was asking their Lordships to follow what Lord Hewart had said.

The Chief Justice: Because Mr. Justice Lodge was in the same station 10 years ago?

Mr. Banerjee:—Because Mr. Justice Lodge said less than a month ago that he was feeling embarrassed. I am asking your lordships to consider that matter.

The Chief Justice remarked that he was responsible for putting Mr. Justice Lodge on this Bench.

Mr. Banerjee: That may be. There are many judges who sit with others but do not take particular cases because they happen to know the parties for one reason or another. My submission is that this Bench should not hear this rule for by so doing it would be violating the fundamental principle.

Mr. Justice Lodge observed that he could understand if this objection had been taken in Mr. Pollard's case, but whether Mr. Pollard was good, bad or indifferent seemed to be irrelevant to this matter.

Mr. Banerjee replied that looking down from their high elevation their Lordships could not see it from the other angle of view. None was more zealous than counsel to uphold the reputation of the court, and in a case which had roused so much public excitement and comment, to have this matter heard with one of the judges who is a friend of Mr. Pollard . . .

The Chief Justice: He is not a friend of Mr. Pollard. He has told you that you are repeating that. He spoke to Mr. Pollard 10 years ago when he was District Judge. That is the connexion between the two.

Mr. Banerjee: I have told you exactly what I had heard. He said then he was embarrassed. It is a matter for you to decide.

The Chief Justice said there were many cases which judges would not hear but must hear. This was one.

Mr. Banerjee said it might be. He was only asking the court to apply the test laid down to the facts of this case.

The Chief Justice observed that it had no application whatever.

Banerjee: You have the last word. I have made by submission. There is an end of it.

Mr. Banerjee then continued his argument on the point that this court had no jurisdiction to issue this rule.

### POLLARD'S SENTENCE SET ASIDE — CHIEF JUSTICE'S SEVERE STRICTURES ON MR. FAZLUL HUQ

The conviction and sentence of a fine of Rs. 200 imposed on Mr. R. C. Pollard, Superintendent of Police, Berhampore, on a charge of assaulting Mr. Satya Gopal Majumdar, pleader was set aside by the Special Bench of the Calcutta High Court yesterday (Tuesday) which directed that no further proceedings be taken against him without the sanction of the Government as contemplated under Sec. 197 Cr. P. C.

The ten accused persons in the Jiaganj Rice Looting Case were directed to be retried by some Magistrate at Hooghly.

Mr. N. K. Basu for some of the accused in the Jiaganj Rice Looting Case asked for a certificate under Section 205 of the Government of India Act for leave to appeal to the Federal Court which was refused.

Strictures were passed upon Mr. A. K. Fazlul Huq, the then Chief Minister, for writing three years to Mr. S. K. Chatterjee, Dt. Magistrate, Berhampore, in connection with the Jiaganj Rice Looting Case, and thereby interfering with the Course of Justice.

The Chief Justice observed that in writing those letters to Mr. Chatterjee and sending Mr. Badruddoja with two of them, to instruct Mr. Chatterjee, Mr. Fazlul Huq "broke his oath." The clear violation of the oath of office, the Chief Justice remarked, branded a man as unfit for public office.

With regard to Mr. S. K. Chatterjee the Chief Justice observed, that he was not fit to exercise supervision over judicial officers and he should be transferred to some other branch of the public service where plasticity might possibly be an advantage and not a danger to the community.

In the course of the judgment the Chief Justice observed that it was a very serious matter for all times for the course of justice to be interfered with or for even an attempt to be made to interfere with the course of justice. It was very serious indeed when such an attempt was made by the Chief Minister of the Province who possessed great power and influence. In this case it was clear that Mr. Huq who at all material times was, until April of this year, the Chief Minister, used his position to influence the course of justice in the Jiaganj Case for political considerations. When Mr. Fazlul Huq took office as Chief Minister on December 12, 1941, he took the following oath of office as prescribed by the instrument of Instructions issued by the Crown to the Governor of this province. The written record of that oath was produced before this court at the instance of the Chief Justice from the secretariat. It was signed by Mr. Fazlul Huq whose signature was verified on oath by Mr. Ellis. It was as follows: "I, Abdul Kasem Fazlul Huq, do solemnly affirm that I will well and truly serve out Sovereign King, George the Sixth, Emperor of India, and that I will do right to all manner of people after the laws and usages of India without fear or favour, affection or ill-will."

The Chief Justice continued that in writing those letters to Mr. Chatterjee and sending Mr. Badruddoja with two of them to instruct Mr. Chatterjee, Mr. Fazlul Huq broke his oath. It was not as if he were an ignorant man, who did not know the nature of the oath he took. He was a man of great experience in public affairs and for a great part of his life he had practised as an advocate in this court. Apart from this solemn oath he knew that interference with the course of justice was wrong. If there were any possibility of his forgetting this, and his Lordship saw no reason why he should have forgotten,—he was reminded of it very definitely by the judgment in the case of Emperor vs. Ebrahim which was delivered on May 7, 1941, when he was the Chief Minister.

His Lordship remarked that there was another aspect of the matter. The Jiaganj Case arose out of criminal interference with the legitimate transport of rice, the staple food of the province, of which there was at that time, and still is a scarcity. If the legitimate and proper transport of food could be interfered with and the malefactors protected by the Chief Minister of the Province when they were brought before the courts of law, there was an end of law and order in the province. The result was that instead of the orderly distribution of food there was a scramble for it in which the weakest suffered. Mr. Fazlul Huq was Minister for the Home Department at the time the rice looting took place. The looted rice was intended for the Berhampore Jail. The administration of jails was a matter with which the Home Department was charged. But neither the solemn oath nor public responsibility prevented him from doing this nefarious work.

A person who took an oath or made affirmation to tell the truth in a judicial proceeding and broke it was guilty of perjury, and might be punished at law by the courts. A person, however, who on taking up the office was required by law to take the oath of office that he would faithfully perform the duties of that office took what was called a promissory oath; (See Halsbury's Laws of England, 2nd, vol. 9, page 342). A breach of a promissory oath in the absence of a special provision of law to that effect was not punishable at law. As far as his Lordship was aware there was no punishment in law for the breaking of the promissory oath taken by Mr. Fazlul Huq when he assumed office as Chief Minister. But a clear violation of it branded a man as unfit for public office. If solemn promissory oaths by persons who took office in the State were to be disregarded as mere formalities there was no possibility of good government. His Lordship observed: "Mr Fazlul Huq is left to the contemplation and judgment of his fellow men."

His Lordship proceeded that Mr. S. K. Chatterjee, District Magistrate, on one occasion at least carried out Mr. Huq's wishes; he knew fully well

that he was doing wrong in so doing. His Lordship could not imagine that he was unaware of the judgment in the case of Emperor vs. Ebrahim, since the judgment which was of a particular concern to the District Magistrates received a certain amount of prominence in the legal press. It was the plain duty of Mr. Chatterjee when he received Mr. Huq's letter of September 29, 1942, to tell Mr. Huq that he was asking him to do something contrary to his duty, and to firmly refuse to interfere. But he seemed to have been more anxious to oblige Mr. Fazlul Huq than to do his duty. He ought to have prevented all attempts at interference with the magistracy under his control. In his Lordship's view he was not fit to exercise supervision over judicial officers and he should be transferred to some other branch of the public service where plasticity might possibly be an advantage and not a danger to the community.

His Lordship added: This case is not only unsavoury, it is disquietening. In the case of Debendra K. Roy v. Yar Bakht Chowdhury (1939, 1 Cal. 407) this Court commented adversely on the action of the government of Asasm in interfering with the course of justice, apparently in the interest of relatives of members of the Cabinet. In 1941 in the case of Ebrahim this Court commented upon the conduct of the Government of Bengal in interfering with the course of justice. The present case was worse than either of these and was in fact the worst his Lordship had ever known. It was a matter for those concerned with the constitution of this country to consider whether the law should not be altered so as to provide a firm deterrent for this sort of thing. In the meantime it was left to those who were called upon to aid and assist the Governor of a province namely members of the Cabinet to comply faithfully and conscientiously with their oaths of office, and to use the words of Oliver Cromwell, "to make some conscience of what they do." If it should so happen that similar interference was attempted in future it was the duty of those judicial officers affected, whether they be District Magistrates or Magistrates subordinate to them or any other judicial officers, at once to resist firmly any pressure or influence such as had been exerted in this case. Further it was the duty of those officers and judges affected to inform the High Court at once so that the High Court might deal with the matter and take steps to protect them in the judicial discharge of their duties in the administration of justice. This Court which had been put in an independent position under the constitution would devote all its power to protect those who were subjected to such wrongful and illegal interference.

Earlier in his judgment, the Chief Justice referred to the facts of Pollard's case and also the application made by him for production of certain letters, written by Mr. Fazlul Huq to the District Magistrate of Berhampore, from the custody of Government. The letters were produced in the Court in a sealed cover and deposited with the Registrar of the Appellate Side of the High Court (Mr. Ellis). His Lordship remarked that in view of the nature of the allegations made in the second application of Pollard (relating to production of letters), the matter was reported to his Lordship by Mr. Justice Lodge who presided over the Court which issued the rule and the Chief Justice caused the sealed envelope to be opened and the letters examined. Further in view of the matters disclosed by these letters the present special Bench was constituted to hear the matter.

His Lordship continued that the production of the letters referred to had raised entirely a new situation,—one which as far as his Lordship was concerned was unique. The letters were written in connection with the Jiaganj Case pending at the same time in the same district. These letters were four in number, 3 of them purporting to have been written by Mr. Huq who was then the Chief Minister but resigned his office in March, 1943. These letters were reproduced in the Calcutta newspapers and they must inevitably have been seen by Mr. Huq. He had not come forward to disclaim them. The first letter was dated September 29, 1942, written to Mr. S. K. Chatterjee asking for the adjournment of the Jiaganj Case. His wishes were granted and the case was postponed.

After referring to the other letters of Mr. Fazlul Huq and the reply of Mr. Chatterjee, his Lordship said that Mr. Salamat Ullah Chaudhury was sitting as a Special Magistrate (under Ordinance II of 1942) trying the Jiaganj Rice Looting Case and was also sitting as an ordinary Magistrate trying the case against Pollard. Pollard's case began on September 9, 1942 and the Magistrate gave his decision on January 5, 1943. The Jiaganj Case was taken up by him on November 11, 1942, and finished by him on January 19, 1943. Pollard had been made the subject of a violent attack by the Chief Minister in his letters of October 28 and November 3, 1942 to the District Magistrate with regard to his conduct in the Jiaganj Case.

His Lordship then referred to the two explanations sent up by the District Magistrate in the Jiaganj Case and with regard to two points the Chief Justice observed that he could regard Mr. Chatterjee's explanation as disingenuous. Nor was his Lordship able to accept the explanation of the district magistrate that judicial determination of issues in the Jiaganj case was insisted upon. In the Jiaganj case Pollard was the protagonist of the Crown. When one found that the case for the crown was disposed of in favour of the defence and one found at the same time that the magistrate was trying the case brought against Pollard, who was disliked and threatened by the same minister, one could not avoid the suspicion, and a strong one, that the same influence that was brought to bear in the Jiaganj case might also have been brought to bear or at any rate have operated in Pollard's case. Had the "Huq-Chatterjee letters" been brought to the notice of this court when Mr. Chowdhury was trying Pollard's case, this court would certainly have ordered that case to be transferred to some other magistrate in another district and tried by him.

His Lordship then continued to deal with the argument of the defence in the Jiaganj Case where the contention was that whatever Mr. Fazlul Huq might have done, it had no bearing upon the result in the Jiaganj case and there was no evidence of it. His Lordship said that it was not necessary that it should be proved that that interference was the cause of the verdict. The position had been stated by Chief Justice Lord Hewart in 1 K. B. 1924 p. 236, when he said 'inter alia' that it was of fundamental importance that justice should not only be done but should manifestly and undoubtedly be seen to be done. Also, nothing was to be done which created even a suspicion that there had been an improper interference of the course of justice.

In this connection his Lordship proceeded to consider the argument of Mr. S. N. Banerjee which was this: If justice is not only to be done by the present bench but seen to be done, then Mr. Justice Lodge ought not to be sitting on the bench because he is a friend of Mr. Pollard. Mr. Banerjee said that Mr. Justice Lodge when he granted the rule for the production of the letters between Mr. Huq and Mr. Chatterjee had said that he was a friend of Pollard and did not wish to try the case. When Mr. Banerjee said this, Mr. Justice Lodge said at once that it was his recollection that he said that he was a friend of Pollard; he had known Pollard many years ago when Mr. Justice Lodge was District Judge of Mymensingh and Pollard a junior police officer and that he had not spoken to Pollard for ten years. Mr. Bannerjee persisted that he had heard Mr. Justice Lodge that he was a friend of Mr. Pollard. His Lordship accepted Mr. Justice Lodge's statement. When Mr. Justice Lodge reported this case to the Chief Justice a few weeks ago, he told the Chief Justice that he had known Pollard many years ago and did not wish to hear this case, although there was no reason why he should not sit. Mr. Justice Lodge further informed his Lordship that both Mr. S. C. Taluqdar for the complainant and Mr. Carden Noad for Pollard had expressed the hope that he would sit. The Chief Justice considered the matter very carefully.

His Lordship continued that this was an important case in which it was essential that at least one judge with wide experience in the administration of criminal law both in this court and in the mofussil should sit.

Mr. Justice Lodge in addition to sitting on the Criminal benches of this court for many years past had experience of both as a district magistrate and a district and sessions judge. His Lordship was satisfied that there was nothing in Mr. Justice Lodge's contacts with Pollard beyond the ordinary official contacts and that they had ceased many years ago. Mr. Justice Lodge at Mymensingh was a district judge and at the top of the official heirarchy, whereas Pollard was a junior police officer somewhere near the bottom of it. The gulf between them both in age and status was very wide and there was nothing but official contacts such as most senior district judges had had sometime or other with police officers in the province.

The Chief Justice informed Mr. Justice Lodge that he wished him to sit and that the Chief Justice considered it his duty to do so in order that this bench could have the benefit of his experience and knowledge. He thereupon agreed.

The Chief Justice must have met Mr. Fazlul Huq on many official and semi-official occasions and had no desire to sit on this Bench where his conduct was in question. But where it was a matter of duty, as in this case, to do so, that duty was to be performed whether his Lordship knew Mr. Huq before or not.

Judges frequently found themselves in a position in which they had to try persons with whom they had had contacts previously and although it might be distasteful to them and they would prefer not to sit, they had to perform their duty. That was Mr. Justice Lodge's position and that was the Chief Justice's position.

Mr. Banerjee's objection was ill-founded. Further he was not engaged in Pollard's case where Pollard's conduct was in question directly, but in the Jiaganj case, where the conduct of Mr. Fazlul Huq and the District Magistrate were in question. Mr. S. C. Taluqdar for the complainant in Pollard case raised no objection to Mr. Justice Lodge sitting nor could he have done so because of the facts and also because of his own expressed desire that Mr. Justice Lodge should sit in the case.

On the facts the Chief Justice had no hesitation in saying that there was interference by Mr. Fazlul Huq in the Jiaganj Rice Looting Case and powerful pressure exerted by him upon the District in the Jiaganj case in order to influence both the District Magistrate and trying magistrate in favour of the accused and against Pollard. His Lordship had the strongest suspicion that that interference had had a considerable effect both upon the Jiaganj Case and Pollard's case. If these two convictions were to be allowed to stand in the circumstances that had been revealed, none would have confidence in the administration of criminal justice in this province. In his Lordship's opinion both the convictions in both the cases should be set aside on the ground of improper interference with the course of justice. His Lordship was of the opinion that both these cases should be retried by some other magistrate in some other district.

The Chief Justice thought that it would be unfortunate if the bar of Section 197 were maintained in Pollard's case. But this was a matter for the Government and not for his Lordship. The complainant in Pollard's case was unfortunate. He had nothing to do with the interference by the Chief Minister and the subsequent events which had made it impossible to sustain the conviction. It might be that hereafter he would have some redress though that might depend upon whether the circumstances were such that he might pursue the prosecution without the permission of the Government. That was a matter upon which his Lordship did not propose to say anything since in his opinion the whole of the of the evidence in these two cases must go with the convictions.

The Chief Justice animadverted upon the conduct of Mr. Fazlul Huq and Mr. S. K. Chatterjee.

Mr. Justice Khundkar and Mr. Justice Lodge while agreeing with the Chief Justice in the order made in the Jiaganj Case Looting Case took the

view that no further proceedings be taken against Pollard without the sanction of the local government as provided for in Section 197 Cr. P. C.

Mr. Justice Khundkar observed in his judgment that he hoped their judgment in these two cases would bring home to all executive authorities be they high or humble, the gravity of attempt to tamper in any way with the independence of judicial officers and would cause them to realise that this Court was determined to deal ruthlessly with any instance brought to its notice of executive interference with the administration of justice and the strict impartiality of judicial officers and the functioning of the judiciary in accordance with law.

Mr. Justice Lodge in his judgment said that he was one of the judges who issued the rule on the Government (for the production of the letters) and at that time his Lordship said in open court that he personally would not hear the matter, but his Lordship did not remember the exact words his Lordship used. His Lordship took the first opportunity of informing the Chief Justice that he had been formerly in the same mofussil station as Pollard and there had personal contacts with him. When the letters were produced on a subsequent date, by the Government. Mr. Carden Noad reminded him that it was nearly ten years since his Lordship had been in the same station with Pollard and that at that time Pollard was a very junior police officer where as his Lordship was even then a fairly senior judge. His Lordship was stationed in Mymensingh at that time and that Pollard and his Lordship were both members of a very small European community in the station and met from time to time. There was no friendship between them. His Lordship left Mymensingh in 1934 and to the best of his recollection his Lordship had not spoken to him since. When these facts were revealed in court. Mr. Taluqdar for the complainant in the Pollard's case assured him that his client would be very glad if his Lordship were one of the judges to hear the rule. Mr. Noad gave his Lordship the same assurance.

In view of the assurances and in view of the fact that there had not in fact been any friendship between Pollard and his Lordship his Lordship contented himself with placing all the facts before the Chief Justice and leaving the matter in his hand.

Mr. N. K. Basu with Mr. Jagannath Gangopadhaya appeared for two of the accused in the Jiaganj Case: Mr. S. N. Banerjee (Sr.) with Mr. R. S. Bachhawat and Mr. Anil K. Das Gupta for five of the accused in the Jiaganj Case: the rule issued suo moto by this court was not served on the other three accused in the Jiaganj case; the Standing Counsel (Mr. J. N. Majumdar) with the Asst. Deputy Legal Remembrancer (Mr. Debabrata Mookerjee) for Crown; Mr. Carden Noad with Messrs. Probodh Chatterjee and Satyendranath Banerjee for Pollard: Mr. S. C. Taluqdar with Messrs. Jagannath Gangopadhaya and Anil Das Gupta for the complainant Satya Gopal Majumdar.

## CASES

The Pollard case is a unique one. It is an offshoot of the so-called Rice Looting Case in Bengal. Everyone who was figured in the case is a notable personality. Mr. Pollard, the District Superintendent of Police, Berhampore (Bengal) who was responsible for the conduct of the Rice Looting case, and who figured as the accused for having been alleged to have beaten a lawyer who came on professional business to meet him at his bungalow in another case, is the principal character. The Chief Minister who has addressed letters to the District Magistrate in regard to the conduct of the Rice Looting Case is the next most important character, the District Magistrate to whom the letters were written and who contrary to the Chief Minister's instructions preserved the letters and handed them over to the Divisional Commissioner who proved them in the High Court of Bengal is the third. The Chief Justice of Bengal is the fourth: Justice Lodge is the fifth; the poor lawyer who was the complainant against Mr.

Pollard is the sixth and the poor accused in the Rice Looting case are the seventh.

Mr. Pollard took objection to a charge being filed against him because the previous permission of the Bengal Government was not taken under Section 197 Cr. P. C. he being a Government officer. The Magistrate refused to entertain the charge on this ground. But the District Judge ordered it to be entertained. Accordingly, Mr. Pollard was tried by the Magistrate and sentenced to a fine of Rs. 200. Mr. Pollard filed an appeal before the District Judge and applied to the High Court for a transfer of the case from the file of that District Judge who had directed his case to be entertained, to the file of the District Judge of a neighbouring district, Nadiad. The appeal was tried by the latter, the District Judge of Mr. Pollard's choice and the sentence was confirmed. Neither before the original Magistrate nor before the appellate Court was it stated that Mr. Pollard feared the invasion of his bungalow by the mob outside—a point of fact made by him for the first time before the High Court. The grounds on which the High Court was requested to go into a second appeal was that the Magistrate worked in an atmosphere of prejudice against Mr. Pollard and this was sought to be proved by filing the letters written by Mr. Fazlul Huq.

Now we come to the parallel point of the case for Mr. Pollard's appeal was mixed up with the Rice Looting Case and the High Court held over the judgment of the case till they went through the papers of the Rice Looting case. This latter case was tried by the same Magistrate as had tried the Pollard case. It was in connection with the Rice Looting Case that the Premier Huq had written letters to the District Magistrate. In writing these letters, his object is stated to be to warn against the conduct of the case by the District Superintendent of Police agains whom he had received many reports. The letters on the face of them are capable of bearing two interpretations—one that the Chief Minister was interested in the accused in the Rice Looting Case and the other that the District Magistrate should beware of the Police Superintendent,—Mr. Pollard, who was apt to be over-enthusiastic about the case. Anyway if the Chief Minister had written, as he had both the right and the duty to write, to the District Magistrate officially, numbering it and stating that it emanated "From the Hon'ble Fazlul-ul-Huq, Chief Minister and so and so Home Minister,

To The District Magistrate, Murshidabad."

marking it "confidential", there would have been no harm, no adverse comment, no condemnation of Mr. Huq by the Chief Justice of Bengal. But the Premier gave it the air of privacy and even secrecy and asked that the letters should be destroyed by the District Magistrate after perusal. This made the whole thing open to suspicion. Mr. Pollard or his protagonists jumped with joy over their discovery. The Deputy Commissioner valiantly produced them before the High Court. The District Magistrate sulkily delivered them to the Commissioner. The whole case was reopened before the High Court with a blare of trumpets.

While the case was going on, the Chief Judge, Sir Harold Derbyshire orders the District Magistrate to produce the papers of the Rice Looting Case which was tried by the same Magistrate sitting as a Special Magistrate, who as a common Magistrate had tried the Pollard Case. The accused had paid their fines and did not choose to appeal. According to the Special Court's Ordinance, they alone had the right to appeal. Yet the High Court calls for the papers and thus creates a relevancy for the examination of the letters which they had called up earlier, and discovers not only that Mr. Pollard was unduly punished but that the "rice" accused got off unduly cheap as the section of dacoity was withdrawn against them. In the result these accused who had served their sentence were asked to be tried once again though they themselvs were never heard. The Chief Minister was castigated in absentia without being heard by the court and was to boot, blamed for not volunteering to justify himself.

Mr. Pollard was acquitted, although the District Judge that had confirmed the original sentence against him was the judge of his own choice and was one who was not aware even of these letters. Justice Lodge whose presence on the Bench, Mr. Banerjee, advocate, had objected to on the ground that a month earlier, he had declared from the Bench that Mr. Pollard was a friend of his, was required to remain on the Bench and give the aid of his invaluable "Criminal" experience although he said that, if the advocate distinctly remembered what he himself had said, he (Lodge) for one, could not contradict him (advocate). The poor lawyer who complained of having received a beating from the D.S.P. was left to shift for himself and apply if he chose to do so, to the Bengal Government, the successor in office of the Bengal Ministry (or may it be to the Chief Secretary?) for permission to prosecute Mr. Pollard.

In effect then, this case was turned out to be a case of regrets all round. The Chief Justice's regret is that there is no law to punish an erring Premier who has acted against the oath administered to him on taking office as Premier. Justice Lodge's regret is that his friendship with Mr. Pollard was judicially denied although he was not prepared to contradict the allegation. Advocate Banerjee's regret is that he did not argue the whole case but helped only to rule out a friendship that was avowed to his hearing. Advocate Talukdar's regret is that he had not taken objection to the presence of Justice Lodge on the Bench—a point made by the Chief Justice. Huq's regret is that he marked the letter "confidential" and asked them to be destroyed instead of allowing them to be received, numbered, docketed and filed. Advocate Majumdar's regret is that he got a beating in trying to plead the cause of a relation of his who was arrested. Pollard's regret is that the Judges did not rule out his fresh prosecution altogether. The District Magistrate's regret is that for having preserved the letters against instructions and given them to the Commissioner, he has been castigated as soft natured and his transfer has been ordered. The Rice Looters' regret is that they ever went to Huq with a complaint.

Mr. A. K. Fazlul Huq himself issued the following statement to the Press:

Sir Harold Derbyshire occupies a privileged position. It is, therefore, impossible for me to criticise the observations he has made against me in his judgments in the Berhampore cases. But I cannot keep entirely silent, and within the stiff limitations imposed on me, I wish to make one or two points clear.

I have been condemned absolutely unheard. I was neither a party nor a witness in those cases, and Sir Harold has based his remarks on two or three letters which I happened to write to the District Magistrate during the pendency of the Jiagunge case. If the learned Chief Justice thought that there was anything in these letters which called for an explanation from me, I should have been sent for and given an opportunity of explaining anything that required an explanation. Sir Harold Derbyshire knew that I was available in the High Court every day during court hours and yet his Lordship proceeded to base his remarks without giving me the least opportunity of stating whatever I may have had to say in explanation of the course of action I had taken, or what I had written in these letters.

As regards the letters themselves, I maintain that I was fully justified in what I did. I received information which I had no reason to disbelieve that attempts were being made to influence the Magistrate in his decision. I thereupon wrote to the District Magistrate emphasising the very principle which Sir Harold has stressed in his judgment, viz., that magistrates trying cases should discharge their duties without fear or favour, regardless of what may happen to them in the course of the discharge of their duties. I maintain that I knew nothing about the facts of the cases at that time nor do I know the facts even now. I wrote the letters entirely to maintain the purity of administration and prevent interference with the free course of justice, and I have, therefore no hesitation in main-

taining that what I did was done in the discharge of my duties as Chief Minister. Far from interfering with justice myself, I wrote these letters to prevent such interference.

The learned Chief Justice has characterised my letters as an instance of the executive interfering with the administration of justice. I respectfully request Sir Harold to apply this principle to the various secret circulars which has been issued by the Home Department of the Government of Bengal from time to time, to magistrate trying cases under the Defence of India Act or Rules or under the various Ordinances. I am sure Sir Harold will then come across numerous cases containing unsavoury details.

Lastly, Sir Harold thinks that I am unfit for holding public office. I am not perturbed by this judicial pronouncement. The consideration of my fitness does not lie in the hands of judges or magistrates, but of the Almighty dispenser of events. Moreover I know full well that fitness is not at all the criterion of success in life. I have known people not fit to be a clerk in the Burial office occupying the highest office under the Crown. Very often it is the unfit rather than the fit who succeed in winning the prizes of life.

Finally, in the case for damages filed against Mr. Pollard by the Vakil who was assaulted by him at his bungalow, the Munsiff awarded damages of Rs. 1,000 to the plaintiff and passed severe strictures.

In the Rice Looting Case which was dragged from its grave into the Pollard Case by the Chief Justice, who ordered a fresh trial, the accused took the matter before the Privy Council and asked that its retrial before the Sadar S.D.O, Hooghly be stayed. Stay order was passed by the Privy Council in January 1945.

# APPENDIX III

## THE SOUTH AFRICAN PROBLEM

The South African problem which has been dragging its weary length since 1908, has passed through an acute stage of its vicissitudes arising from what is popularly known as the Pegging Act. The Act and its sequelae during the years 1943 to 1946 have engaged public attention and been a source of profound public anxiety. The following documents will give an authoritative account of the South African trouble.

Before 1893 Indians enjoyed in Natal both parliamentary and municipal franchise equally with the Europeans. They were first deprived of the parliamentary franchise in 1893, with the exception of those who were already on the voters' roll. But Indian protest was heeded and it (the Franchise Act) was vetoed by London.

Indians were successfully deprived of the parliamentary franchise in 1896 on the ostensible ground that they did not enjoy the privilege in India. They were deprived of the Municipal franchise in 1924 with the result that they ceased to influence Central, Provincial or the Municipal Administrations. Indian residential localities in Durban and elsewhere have consequently been grossly neglected by the local authorities.

Separate schools are maintained for Indians and in a few places separate hospitals for Indians and Africans. No Indians are admitted to the Natal University College.

In Railway trains Indians can generally only occupy special coaches reserved for them with Non-Europeans, and in Government offices such as the Posts and Telegraph Offices, and Railway Booking Offices there are separate counters for Non-Europeans. This method of discrimination is applied in Courts of Justice also.

Indians are almost completely debarred from employment in Government and Municipal services, except in a menial capacity. There are, however, Indian teachers in schools etc. exclusively intended for Indians and so are employed Indian Interpreters in some law courts.

One of the few privileges which Indians enjoyed until recently in Natal was the freedom to purchase and occupy landed property in urban and rural areas, but the "Pegging Act" of 1943 has severely restricted the exercise of this privilege. Field Marshal Smuts has now made an announcement in Parliament that he would introduce new measures affecting Indians in Natal and in the Transvaal.

(a) In Natal the new legislation, which is to replace the "Pegging Act" lapsing on the 31st day of March 1946, will prohibit the acquisition or occupation of properties by Indians, except in certain specified areas.

(b) Whilst the "Pegging Act" is limited in its operation to Durban only and restricts transactions of fixed property between European and Indian only, the new legislation is to apply to the whole Province of Natal, both in urban and rural areas, and totally prohibits such transactions not only between European and Indian, but goes further than the present "Pegging Act" by making it unlawful for any such transactions between Indian on the one hand and non-Indian on the other, i.e., European, Coloured, Bantu, Chinese, Malay and other non-Indian races.

(c) In the Transvaal under the new legislation areas are to be set apart for Indians both for residence and trade in cities, towns, and villages, the effect of which will be to restrict, if not, totally confine trading activities of Indians to the areas assigned to them. Thus being removed some distance away from commercial centres and

being out of touch with all other sections of the population with whom they have hitherto been transacting business, the Indian traders will face ruination.

Moreover, in regard to trade the Licensing Laws in the Transvaal operate very harshly against Indians, in that the Licensing Boards have absolute power to refuse license to Indians without assigning reasons therefor. The same is applicable in the case of transfer of Licenses from one person to another.

In Natal, as well, administration of Licensing Laws operates harshly against Indians, all based upon racial considerations.

(d) Indians in Natal and Transvaal are to be allowed representation in the Union Legislature on a "racial" basis, similar to that applicable to the Bantus and other natives of South Africa. The Indian community is to be represented by three European members elected by them in a House of more than One Hundred and Fifty (150) members.

The proposed measures will, if they become law, constitute a breach of the Capetown Agreement of 1927 between the Union Government and the Government of India, and will be a violation of assurances and pledges given from time to time.

Note:—The Appendix takes note of some of the legal disabilities, both in Natal and in the Transvaal and by no means exhausts the catalogue of our disabilities, grievances and hardships. The other disabilities reflected in the conduct of the Europeans in various walks of life, though galling, have been purposely avoided.

To,

HIS EXCELLENCY FIELD MARSHAL

THE RIGHT HONOURABLE VISCOUNT WAVELL

OF CYRENAICA AND WINCHESTER,

P.C., G.C.B., G.M.S.I., C.M.G., M.C.,

Viceroy and Governor-General of India,

NEW DELHI.

May It Please Your Excellency,

We, the undersigned, Sorabjee Rustomjee, Sooba Rama Naidoo, Azumshah Ahmed Mirza and Ahmed Sadeck M. Kajee, delegates of the South African Indian Congress, duly appointed at its Seventeenth Session of the Conference held in Capetown from the 8th to 13th February 1946, together with members coopted, being South African Indians at present in India, under authority of the Resolution of the Conference, respectfully beg to submit to you this Statement on the proposed legislation, as announced by Field Marshal Smuts, in Union Parliament on 21st January 1946, when he made known the intention of the Union Government to introduce legislation this session adversely affecting Indians in Natal and the Transvaal.

2. We are deeply grateful to Your Excellency for receiving us at short notice in spite of your multifarious pre-occupations.

3. The present intention of the Government of the Union of South Africa will, if carried out, degrade us to a status of inferiority against which we have put up a fight more definitely since 1893, the year in which an attempt was made to disfranchise the Indian community as such in Natal. We then looked upon it as a slur not only on the Indians in Natal but also on the Mother Country. Then there was no Union of South Africa. The Cape had practically no Indian question worth the name. Orange Free State had banished the few Indian traders it had and prided itself on its

thorough anti-Asiatic policy. The Transvaal had a sprinkling of Indian traders, hawkers and others. The "location" system, later known as segregation, had its rise there. The Whites in Natal had deliberately and for their own sake invited the large number of indentured Indians for their sugar and tea plantations and other industries. In their wake followed the traders and others, and the Indian population today is therefore a composite one.

4. One would have thought that the advent of Union would mean the union of all the races of South Africa, i.e., the African (the Bantu), the European and the Asiatics (primarily and principally Indians). What a noble tradition such a union would have been for the world. But it was not to be. On the contrary, the Union became an anti-African and Asiatic combine. Every year of the progress of the Union has definitely marked the progress of this combine, and the strenuous opposition to it by the Indian settlers and their descendants, as will be clearly seen by reference to the appendix 'A' hereto attached.

5. We ask Your Excellency to approach the question from that standpoint and no other. The threatened legislation adumbrated by Field Marshal Smuts, which has hastily brought the delegation from South Africa, is a very large step, perhaps the largest yet made in the process of consigning the Asiatics to permanent inferiority. The wedge has now extended into all round inequality and inferiority. Thus, there are zones of segregation, one of which the White are reserving for themselves in order to force by legal compulsion the segregation of the other races. God has made man "one great human family". The White races of South Africa would make of it three separate parts based on colour.

6. Bad enough as the threatened land legislation is, the prospective franchise legislation is worse. It is a mockery of franchise and a poignant reminder of the low status to be accorded to us, so low that we are not to be deemed even fit enough to choose one of our own as our representative.

7. We have come all the way from South Africa not to seek protection of individual or property rights, dear as both are, but we have come definitely to ask Your Excellency and the people of the Mother Country to appreciate the fight for equality of status, which is theirs as much as ours, and to give us as much help as possible for you and them to give. What is attempted to be done in South Africa is a denial of the brave declarations made by the British and even the Field Marshal himself.

8. It has given us much pleasure to learn that the withdrawal of the British power in India in favour of elected Indian representatives is imminent. Then, may we ask whether it is not Your Excellency's d uble and special duty to enunciate your stand in favour of equality and so far as possible, enforce it in no uncertain terms?

9. The announcement of the intention of the Union Government to introduce legislation so alarmed the Indian community that the South African Indian Congress at its Conference aforesaid resolved to send a Deputation to Field Marshal Smuts. This Deputation made representations to him not to proceed with the intended legislation, and to convene a Round Table Conference of the Union Government and the Government of India in fulfilment of the recommendation of the Natal Indian Judicial Commission made in March 1945. This request was refused by him, whereupon the Conference, after deliberating at great length, adopted the following resolution:—

CAPETOWN,

12th February, 1946.

"This Conference of the South African Indian Congress, after making heard the Report of the Deputation that waited on the Prime Minister, expresses its grievous disappointment at his refusal to abandon the pro-

posed legislation and to convene a Round Table Conference between India and South Africa.

This Conference interprets this refusal as the very negation of the principle of solving human problems by negotiations and mutual discussions and as indicating a legislative design of repressing the Community and settling its fate at the altar of political expediency and sacrificing it to appease extreme white-reactionaries in this country. The legislation dealing with land tenure and communal representation, to be introduced by the Prime Minister, which is totally unacceptable, is an insult to the national honour and dignity of the Indian nation.

This Conference of the South African Indian Congress, having regard to the Prime Minister's refusal, resolves to mobilise all the resources of the Indian people in this country in order to take every measure possible to secure the lapsing of the Pegging Act and to oppose the proposed legislation of the Government by:

1. Sending a deputation to India:
   (a) To urge the Government of India for the convening of a Round Table Conference between the Governments of India and South Africa.
   (b) Failing which to request the Government of India:
      (i) to withdraw the office of its High Commissioner in South Africa.
      (ii) to apply economic sanctions against South Africa.
   (c) To carry out a campaign of propaganda in India to secure the fullest support of India's millions.
   (d) To invite Indian leaders to come to South Africa.
2. Sending deputations to America, Britain and other parts of the world.
3. Proceeding immediately to prepare the Indian people of South Africa for a concerted and prolonged resistance, the details of which this Conference instructs its Executive to prepare for submission and action to its constituent bodies.

10. We would, therefore, ask Your Excellency to use your influence to secure the holding of a Round Table Conference between the two Governments to settle, in the words of the Natal Indian Judicial Commission, "all matters affecting Indians in South Africa". But should your efforts in this connection unhappily fail, then we ask, in terms of our Resolution hereinbefore embodied, to withdraw the office of the High Commissioner for India in the Union of South Africa and to enforce economic and political sanctions. We are not unaware that they may mean very little material loss to South Africa. We know that counter-measures will cause us hardship. But our loss we would count as nothing compared to the moral value of the enforcement of the sanctions.

Dated at NEW DELHI this TWELFTH day of MARCH, 1946.

We have the honour to be,

Your Excellency's obedient servants,

SORABJEE RUSTOMJEE,
(Leader)

S. R. NAIDOO

A. S. M. KAJEE

A. A. MIRZA

**RESOLUTION NO. 1.**

"The South African Indian Congress in Conference, assembled is gravely perturbed at the proposals announced by the Prime Minister to deal with land tenure in the Transvaal and Natal Provinces which are to be embodied in a legislation to be introduced this session of the Union Parliament and which propose seriously to limit the land rights and the free economic and social development of the Indian Community in Natal and Transvaal.

The proposals of the Prime Minister to deal with the Indian question are totally unacceptable to the Indian Community in that they constitute an attack upon human rights and human freedom of an unrepresented substantial minority in South Africa, and they, moreover, violate the high principles underlying the Atlantic and United Nations Charters on which their authors pin their implicit faith for the future peace of the world.

This Conference authorises the deputation to interview the Prime Minister with a request not to introduce any legislation to the detriment of the Indian community and respectfully to ask that the Union Government invite forthwith the Government of India to send to the Union a delegation for the purposes of holding a Round Table Conference with the representatives of the Union Government in order to arrive at a solution of all matters affecting Indians in South Africa in accordance with the only recommendation of the Natal Indian Judicial Commission to whose findings the Prime Minister attached so much importance and moreover such a Round Table Conference would be a continuation of the Round Table Conferences already held between the Union and Indian Governments."

**SOUTH AFRICAN INDIAN CONGRESS CONFERENCE — REPORT OF THE DEPUTATION THAT WAITED ON THE RT. HON. GENERAL J. C. SMUTS, ON THE 11TH FEBRUARY, 1946.**

Mr. President and Members of the Congress in conference assembled.

Your deputation waited upon the Prime Minister at 3 p.m. this afternoon. The conversations lasted for an hour and 20 minutes.

2. Mr. Kajee, your spokesman, submitted the Resolution passed by Conference last night, to the Prime Minister and emphasised the request for holding a Round Table Conference by a recital of the events that led to the passing of the Transvaal Land and Trading Act in 1939 and the Pegging Act applicable to Durban in 1943. He submitted that the extension of the Act in the Transvaal was in conflict with the findings of the Murray and Broome Commissions and that the continuation of the Pegging Act in Durban was a violation of the Cape Town Agreement, and that its withdrawal was a demand of the Indian community.

3. Mr. Kajee submitted to the Prime Minister that he had stated in his note of the 30th November, 1944, when declaring the Pretoria Agreement dead, that "The Pretoria Agreement, having failed in its object, it was necessary to explore a settlement along other lines"—the lines of the Natal Indian Judicial Commission, and that now that the Natal Indian Judicial Commission had made the one and only recommendation that the solution of the problem lay in the holding of discussions between the Union and Indian Governments, and to that end an invitation be issued by the Union Government to the Indian Government to send a deputation to this country.

4 .It was further submitted to the Prime Minister that the legislative proposals were in conflict with the recommendations of the Broome Commission and were in conflict with his own statement made in the House of Assembly on the 30th March, 1945, prior to his departure for San Francisco, when he said that a solution should be found on voluntary lines and not on compulsory lines. Therefore to enact legislation to create areas for Indians would tantamount to compulsory segregation and Mr. Kajee appealed to the Prime Minister that he would be pleased to de-

sist from proceeding with his proposals and convene a Round Table Conference.

5. Mr. Kajee appealed to General Smuts as the originator of the Preamble of the United Nations Organisation Charters to put into practice the principles of those Charters in his own country.

6. The Cape Town Agreement was a bilateral Agreement and that the present proposals meant the breaking of that agreement unilaterally hence the necessity of calling for a Round Table Conference.

7. Mr. Kajee said that Indians were already restricted in their economic activities by their confinement to the Natal Province in large numbers and that to create confined areas within that Province would deprive them of the present opportunities enjoyed by them of acquiring and occupying property in any part of Natal. It would accentuate the problem.

8. Mr. Kajee added that the Indian community, since 1927, had fulfilled its part of the Cape Town Agreement and that by self-help the community had marched towards western standards of life and was improving its economic standard so much so that the Europeans of Natal who formerly complained of the danger of the Indians' low standards of living, were now beginning to complain that the Indians were becoming an economic danger to them by reason of the improvement in the Indians' standard of living and by virtue of this fact the Indians needed land and houses to conform to the requirements of western standards. The European was trying to have it both ways. The European of Natal stands self-condemned.

9. Advocate Christopher, who followed Mr. Kajee, made a very earnest and heartfelt appeal to the Prime Minister that he, as the originator of world charters on freedom should not proceed with these legislative proposals which would react to the detriment of the Indian community, and pleaded with General Smuts that he apply the principle of personal discussion between the Union Government and representatives of the Government of India, as this method of a Round Table Conference was the best method of settling human disputes.

10. Mr. Sorabjee Rustomjee, who followed, added to the appeal of Mr. Christopher and appealed to the greatness of General Smuts in world affairs not to let the Indian community suffer the indignities and added that Indians were his children as much as Europeans were and that he should see no injustice was done to them.

11. General Smuts in his reply said that though he agreed that Round Table talks were great things in human affairs, he regretted that he could not see his way to invite representatives of the Government of India for discussions to South Africa.

12. He said that the first Round Table Conference was convened as a result of the request made by the Government of India that they had some suggestion to make for the reduction of the Indian population in South Africa, that that portion of the Cape Town Agreement was now dead in that there were no people who were going away from South Africa, and rightly so, because Indians, like other people, were better in this country than they were in India. Only the Uplift Clause of the Cape Town Agreement remains.

13. To call a Round Table Conference with representatives of the Government of India means interference with the internal affairs of South Africa. The appeal of Indians to the Government of India will only be rubbing salt in the wounds. This was unthinkable. Imagine, he said, the Dutch appealing to Holland every time they were in trouble.

14. He said that as a result of the Cape Town Agreement an Agent-General was appointed whose status had been raised to that of High Commissioner, who occupied the same position as High Commissioners of the United Kingdom, Canada and Australia, in South Africa. He went on to say that representations have been and will be received from the Government

of India. General Smuts added further that the sovereign status of South Africa demanded that this Indian problem be treated as a domestic affair without the interference of any outside parties, he appealed to the deputation to give consideration to his proposals which were to be formulated in a Bill to solve this problem which was now becoming very intense, by making provision for the setting aside of free areas where Indians and others could buy and occupy property which would thus not bring any indignity of segregation upon the Indian community.

15. That all other areas would be restricted for the occupation of Europeans only. That there would be a Commission of two Indians and two Europeans with an impartial and technical man as chairman, which would from time to time examine the situation in any given area for the setting side of areas which would meet the needs of Indians and other communities who may wish to buy and reside in those open areas.

16. He mentioned the example of voluntary agreements at Port Shepstone and Glencoe and said that such Agreements would be confirmed by that Commission and approved by Parliament.

17. The Government has a considerable amount of information at its disposal from the Broome Commission and Mitchell Post-War Commission, which would enable it and the proposed Commission to schedule areas which would meet the requirements and needs of the Indian people in and around Durban.

18. General Smuts in reply to a question by Mr. Kajee, said that the position in the Transvaal was not being altered very much, but in terms of Law 3 of 1885, open areas would be made available where Indians would be allowed to buy and occupy properties. General Smuts emphatically added that the position of trade was not to be interfered with. This was controlled through the Licensing Laws. He added that no vested right in Natal or the Transvaal would be interfered with.

19. General Smuts then said that provision would be made in the Bill for the political representation of the Indian community of Natal and the Transvaal in Parliament, in the Provincial Councils, and in the Senate. He appealed to the deputation and conference that they do not turn down these proposals. He said that there would be considerable trouble and that the Indians would suffer if they turned down these proposals because there would be, in the end, hell for all of us. This problem had to be settled. The Europeans of Natal were very restless and there was grave disquiet. They feared that they were going to be undermined. They were afraid of the Indian's economic competition. The Government had to face the facts and therefore these proposals were going to be enacted as a matter of policy.

20. Mr. Kajee again appealed to General Smuts, that notwithstanding what he had said, he had not taken cognisance of his own words and his own assurances. Mr. Kajee said that General Smuts was surrendering to the Europeans of Natal because they were vocal and had political power; that the Indian was being judged in the face of the findings of Commissions. The Indian community was being judged to its detriment through a European agitation which was baseless. The prima facie case accepted by the Government in 1943 as having been established against the Durban Corporation remains unanswered. He appealed to General Smuts not to proceed with his proposals and implant segregation on Indians but have consultations with the Government of India for a solution of this problem upon fair and equitable lines. Mr. Kajee added that General Smuts may gain the support of Britishers in Natal but he would lose his international soul.

21. General Smuts added in conclusion that he was speaking as the friend of Indians and not as a neutral, and he wanted the deputation to consider his appeal and give consideration to his proposals in that light. He added that Congress should not lightly turn down these proposals.

22. I attach hereto copy of letter which I asked General Smuts to write for the information of conference and this is circularised with this report. Dated at Capetown, 11th February, 1946.

A. I. KAJEE.

**REPLY OF GENERAL SMUTS TO S. A. I. CONGRESS DEPUTATION THAT WAITED ON HIM ON 11TH FEBRUARY, 1946.**

General Smuts told the deputation:

"I welcome this meeting. I am not influenced by prejudice and passions. You are right in emphasising the need of this meeting. I never avoided you and I am glad to meet you.

"I am going to lay down in broad outline the policy which the Government is considering for you. The position is urgent; the Pegging Act was a temporary measure, and the Broome Commission was not able to produce any results. Theirs was the negation of a solution they threw down their hands and gave a counsel of despair.

"Next month the Pegging Act will lapse and we lack a solution. We will be worse off. You have returned to the Broome Commission for a solution but it won't help us at all. A complete change has come over the solution of a round-table conference. At that time the Indian Government was not represented; there was no Agent or High Commissioner precedented. It is a constitutional means of consultation. Therefore, no joint conference can be called.

"To appeal to India adds salt to the wound. Over 80 per cent of the Indian people of South Africa are South Africans in the same sense as I am. A South African appeal to India should now be an unheard-of thing. It is the same as if the South African Dutch appealed overseas.

"Coming to the Broome Commission, it had found no solution. We must therefore, between ourselves, find a solution. It must be found. I have seen this matter getting worse. In the end you will be the victims. You have said that I recognise the multiplicity of the racial character of our population. I don't mistake the position—unless this question is settled and something is done for you, my Indian friends will be the worst sufferers.

"I want peace in this country. Tempers are getting worse.

"In the first place we must solve the land question, then we must have a political solution. You must get a political status; until then this sparring goes on.

"Trade I leave alone. The question today is not an economic question. This is controlled by the present licensing laws.

"With regard to the land question, you don't want to be segregated into special areas. You agree that separate living is essential. No stigma would be put on you. There would be some free contiguous areas.

"If social peace is to be secured, then there must be separate living. Let there be three areas, but they must not be jumbled up together. That is, to demarcate Natal no existing areas should be touched and present rights would be preserved.

"We have a good deal of information from the Broome Commission and the Mitchell Post-War Reconstruction Commission. It is quite possible to settle Durban. There was an arrangement in Port Shepstone and Glencoe. Maritzburg had some sort of arrangement until they repudiated it. There must be free areas scheduled.

"But you have a good deal more than that. A Commission consisting of two Europeans and two Indians, together with a chairman, which would have powers to recommend areas where there will be free buying and selling, should be appointed, and recommendations will be ratified by Parliament.

"The position in the Transvaal is not being altered very much, for in terms of Law 3 of 1885 open areas will be made available where Indians will be allowed to buy and occupy properties.

"Another part of this question is your political status. You are now politically altogether out of the picture. The Government proposes communal representation, but unfortunately you have rejected it. I don't think that any other basis is politically possible in this country. To mix you up with the common franchise—this can never get through Parliament. You will be debarred by Legislature."

Answering a question, General Smuts added that the uplift clause of the Capetown Agreement only remained; the rest had been thrown overboard. Indians would be given all facilities, such as education and so forth, and the principles of progress as envisaged by the Atlantic and San Francisco Charters would apply to the Indians.

Prime Minister's Office,
CAPETOWN.
11th February, 1946.

Dear Sir,

I have the honour to inform you that the Prime Minister listened to the representations made to him this afternoon, Monday, the 11th February, by Mr. Kajee, Advocate Christopher and Mr. Rustomjee, requesting a round-table conference with representatives of the Indian Government, and he also perused the resolution carried at your Conference.

He explained to the delegation his reasons why a round-table conference with the Indian Government could not be held. He also made a statement of the proposals of the draft bill dealing with the land and franchise questions and he appealed to the delegation to consider seriously the appeal made to them in connection with the matter which was in the interests of both South African Indians and the Europeans. The present difficulties and differences between them should be eliminated.

Yours faithfully,
(Sd.) Henry W. H. Cooper,
Private Secretary.

The Secretary,
South African Indian Congress,
CAPETOWN.

**SOUTH AFRICAN INDIAN CONGRESS CONFERENCE—DRAFT RESOLUTION NO. 6 — 12TH FEBRUARY, 1946.**

This Conference of the South African Indian Congress after having heard the Report of the Deputation that waited on the Prime Minister expresses its grievous disappointment at his refusal to abandon the proposed legislation and to convene a Round Table Conference between India and South Africa.

This Conference interprets this refusal as the very negation of the principle of solving human problems by negotiations and mutual discussions and as indicating a legislative design of repressing the Indian Community and settling its fate at the altar of political expediency and sacrificing it to appease extreme white reactionaries in this country. The legislation dealing with land tenure and communal representation, to be introduced by the Prime Minister which is totally unacceptable is an insult to the national honour and dignity of the Indian nation.

This Conference of the South African Indian Congress, having regard to the Prime Minister's refusal, resolves to mobilise all the resources of the Indian people in this country in order to take every measure possible to

secure the lapsing of the Pegging Act and to oppose the proposed legislation of the Government by:

1. Sending a deputation to India:

(a) To urge upon the Government of India the convening of a Round Table Conference between the Governments of India and South Africa.

(b) Failing which to request the Government of India:

(i) to withdraw the office of its High Commissioner in South Africa.

(ii) To apply economic sanctions against South Africa.

(c) To carry out a campaign of propaganda in India to secure the fullest support of India's millions.

(d) To invite Indian leaders to come to South Africa.

2. Sending Deputations to America, Britain and other parts of the world.

3. Proceeding immediately to prepare the Indian people of South Africa for a concerted and prolonged resistance, the details of which this Conference instructs its Executive to prepare for submission and action to its Constituent bodies.

**SOUTH AFRICAN INDIAN CONGRESS CONFERENCE — RESOLUTION NO. 8 — 12TH FEBRUARY, 1946.**

This Conference resolves that the following constitute the delegation to proceed to India in terms of Resolution No. 6.

Mr. Sorabjee Rustomjee; Advocate A. Christopher; Mr S. R. Naidoo; Mr. M. D. Naidoo; Mr. A. S. Kajee; Mr. A. A. Mirza and Mr. S. M. Desai.

with powers to co-opt any South African Indians who are members of the Constituent bodies of the South African Indian Congress in India.

And that the following constitute the delegation to proceed to England and America:—

Mr. A. I. Kajee; Dr. Y. M. Dadoo; Mr. A. M. Moolla; Rev. B. L. E. Sigamoney and Mr. P. R. Pather, with powers to co-opt any South African Indians who are members of the Constituent bodies of the South African Indian Congress in England and America.

# APPENDIX IV

## CONGRESS RESOLUTION, CORRESPONDENCE AND OTHER PAPERS RELATING TO NEGOTIATIONS WITH THE CABINET DELEGATION AND THE VICEROY

### SUMMARY OF THE PROCEEDINGS OF THE WORKING COMMITTEE

### DELHI—APRIL 12-18, APRIL 25-30, MAY 17-24, AND JUNE 9-26, 1946

Meetings of the Working Committee were held at Delhi from April 12 to 18, April 25 to 30, May 17 to 24 and June 9 to 26, 1946 Maulana Abul Kalam Azad presided. The members present were Shris Sarojini Naidu, Jawaharlal Nehru, Vallabhbhai Patel, Rajendra Prasad, Pattabhi Sitaramayya, Khan Abdul Gaffar Khan, Shankar Rao Deo, Govind Ballabh Pant, Profulla Chandra Ghosh, Asaf Ali, Harekrishna Mehtab, and J. B. Kripalani. Khan Abdul Gaffar Khan and Harekrishna Mehtab were absent from some sittings of the Committee. Gandhiji was generally present at the afternoon sittings of the Committee.

These meetings were devoted primarily to the negotiations with the Cabinet Mission with regrad to the setting up of the Constituent Assembly to frame the Constitution of a free and independent India and the establishment of a provisional national government.

#### THE CABINET MISSION

On February 17, 1946 Lord Pethick Lawrence, the Secretary of State for India announced the decision of the British Cabinet in the House of Commons to send to India a Cabinet Mission consisting of the Secretary of State for India Lord Pethick Lawrence, The President of the Board of Trade Sir Stafford Cripps and the First Lord of the Admiralty Mr. A. V. Alexander, to discuss with representatives of India the positive steps to be taken for giving effect to the programme outlined in the Viceroy's speech on 17th February, 1946 on the eve of the Provincial and Central Assembly elections. The announcement read:

"The House will recall that on 19th September, 1945, on his return to India after discussions with the British Government, the Viceroy made a statement of policy in the course of which he outlined the positive steps to be taken immediately after the Central and Provincial elections to promote, in conjunction with leaders of Indian opinion, early realisation of full Self-Government in India.

"Those steps include: first, preparatory discussions with elected representatives of British India and with Indian States in order to secure the widest measure of agreement as to the method of framing a Constitution.

"Second, the setting up of a Constitution-making body and third, the bringing into being of an Executive Council having the support of the main Indian parties.

"Elections at the Centre were held at the end of last year and in some of the provinces they are also over and responsible Governments are in the process of formation. In other provinces, polling dates are spread over the next few weeks. With the approach of the end of the electoral campaign, the British Government have been considering the most fruitful method of giving effect to the programme to which I have referred.

"In view of the paramount importance, not only to India and to the British Commonwealth, but to the peace of the world of a successful outcome of discussions with leaders of Indian opinion the British Government have decided with the approval of His Majesty the King to send out to India a special mission of Cabinet Ministers consisting of the Secretary of

State for India (Lord Pethick Lawrence), the President of the Board of Trade (Sir Stafford Cripps) and the First Lord of the Admiralty (Mr. A. V. Alexander) to act in association with the Viceroy in this matter."

On March 15, 1946, the Prime Minister Clement Attlee explained the British Government's policy behind their decision to send a Cabinet delegation to India. (For text of Mr. Attlee's speech as it was reported in the press see infra.)

The members of the Cabinet Mission arrived in India on March 23, and began their work with a series of interviews with the leaders of communal and political parties. The Mission as it said had no concrete proposals to place before the leaders. The talks were therefore as they said of a general and exploratory nature. On April 27, after the talks were over the following letter was received by the Congress President from the Cabinet Delegation.

Dear Maulana Saheb,

The Cabinet Mission and His Excellency the Viceroy have carefully reviewed the opinion expressed to them by the various representatives they have interviewed and have come to the conclusion that they should make one further attempt to obtain agreement between the Muslim League and the Congress.

They realise that it would be useless to ask the two Parties to meet unless they were able to place before them a basis of negotiation which could lead to such an agreement.

I am therefore asked to invite the Muslim League to send four negotiators to meet the Cabinet Mission and the Viceroy together with a similar number from the Congress Working Committee with a view to discussing the possibility of agreement upon a scheme based upon the following fundamental principles.

The future constitutional structure of British India to be as follows:—

A Union Government dealing with the following subjects:

Foreign Affairs, Defence and Communications. There will be two groups of Provinces, the one of the predominantly Hindu Provinces and the other of the predominantly Muslim Provinces, dealing with all other subjects which the provinces in the respective groups desire to be dealt with in common. The Provincial Governments will deal with all other subjects and will have all the residuary Sovereign rights.

It is contemplated that the Indian States will take their appropriate place in this structure on terms to be negotiated with them.

I would point out that we do not think it either necessary or desirable further to elaborate these principles as all other matters could be dealt with in the course of the negotiations.

If the Muslim League and Congress are prepared to enter into negotiations on this basis, you will perhaps be so good as to let me know the names of the four people appointed to negotiate on their behalf. As soon as I receive these I will let you know the locus of the negotiations which will in all probability be in Simla, where the climate will be more temperate.

Yours Sincerely,

(Sd.) Pethick Lawrence.

(The Working Committee considered the proposals embodied in the foregoing letter. The following reply was sent to Lord Pethick Lawrence.)

20, Akbar Road,
New Delhi,
28th April, 1946.

Dear Lord Pethick Lawrence,

I thank you for your letter of April 27th. I have consulted my colleagues of the Congress Working Committee in regard to the suggestion made by you, and they desire me to inform you that they have always been willing to discuss fully any matters concerning the future of India with representatives of the Muslim League or any other organisation. I must point out, however, that the "fundamental principles" which you mention require amplification and elucidation in order to avoid any misunderstanding.

As you are aware, we have envisaged a Federal Union of autonomous units. Such a Federal Union must of necessity deal with certain essential subjects of which defence and its allied subjects are the most important. It must be organic and must have both an executive and legislative machinery as well as the finance relating to these subjects and the power to raise revenues for these purposes in its own right. Without these functions and powers it would be weak and disjointed and defence and progress in general would suffer. Thus among the common subjects in addition to Foreign Affairs, Defence and Communications, there should be Currency, Customs, Tariffs and such other subjects as may be found on close scrutiny to be intimately allied to them.

Your reference to two groups of Provinces, the one of the predominantly Hindu Provinces and the other of the predominantly Muslim Provinces, is not clear. The only predominantly Muslim Provinces are the North-West Frontier Province, Sind and Baluchistan. Bengal and Punjab have a bare Muslim majority. We consider it wrong to form groups of Provinces under the Federal Union and more so on religious or communal basis. It also appears that you leave no choice to a Province in the matter of joining or not joining a group. It is by no means certain that a Province as constituted would like to join any particular group. In any event it would be wholly wrong to compel a Province to function against its own wish. While we agree to the Provinces having full powers in regard to all remaining subjects as well as the residuary powers, we have also stated that it should be open to any Province to exercise its option to have more common subjects with the Federal Union. Any sub-federation within the Federal Union would weaken the Federal Centre and would be otherwise wrong. We do not, therefore, favour any such development.

Regrading the Indian States we should like to make it clear that we consider it essential that they should be parts of the Federal Union in regard to the Common subjects mentioned above. The manner of their coming into the Union can be considered fully later.

You have referred to certain "fundamental principles" but there is no mention of the basic issue before us, that is, Indian independence and the consequent withdrawal of the British army from India. It is only on this basis that we can discuss the future of India, or any interim arrangement.

While we are ready to carry on negotiations with any party as to the future of India, we must state our conviction that reality will be absent from any negotiations whilst an outside ruling power still exists in India.

I have asked three of my colleagues of the Congress Working Committee, namely Pandit Jawaharlal Nehru, Sardar Vallabhbhai Patel and Khan Abdul Ghaffar Khan to accompany me in any negotiations that may take place as a result of your suggestion.

Yours sincerely,
(Sd.) Abul Kalam Azad.

## LETTER FROM THE PRESIDENT OF THE MUSLIM LEAGUE TO LORD PETHICK-LAWRENCE, DATED 29TH APRIL 1946.

I thank you for your letter of the 27th April, which I placed before my Working Committee yesterday morning.

My colleagues and I fully appreciate the further attempt that the Cabinet Mission and His Excellency the Viceroy are making to bring about an agreement between the Muslim League and the Congress by proposing a meeting of the representatives of the two organisations for the purpose of negotiating an agreement. They, however, desire me to invite your attention to the position taken up by the Muslim League since the passing of the Lahore Resolution in 1940 and, thereafter, successively endorsed by the All-India Muslim League Sessions and again by the Convention of the Muslim League Legislators, as recently as the 9th of April, 1946, as per copy enclosed.

The Working Committee desire to point out that many important matters, both of principle and detail, in your brief letter, require elucidation and clarification, which in their opinion, can be achieved at the meeting proposed by you.

Therefore, without prejudice or commitment, the Working Committee, in their anxiety to assist in finding an agreed solution of the Indian constitutional problem, have authorised me to nominate three representatives on behalf of the Muslim League to participate in the negotiations.

The following are the four names:—

1. Mr. M. A. Jinnah,
2. Nawab Mohammad Ismail Khan,
3. Nawabzada Liaquat Ali Khan, and
4. Sardar Abdur Rab Nishtar.

## ENCLOSURE TO MR. JINNAH'S LETTER TO LORD PETHICK-LAWRENCE DATED 29TH APRIL 1946

**Resolution, passed by the subjects Committee, to be placed before the All-India Muslim League Legislators' Convention on April 9th, 1946.**

Whereas in this vast sub-continent of India a hundred million Muslims are the adherents of a Faith which regulates every department of their life (educational, social, economic and political), whose code is not confined merely to spiritual doctrines and tenets or rituals and ceremonies and which stands in sharp contrast to the exclusive nature of Hindu Dharma and Philosophy which has fostered and maintained for thousands of years a rigid Caste System resulting in the degradation of 60 million human beings to the position of untouchables, creation of unnatural barriers between man and man and superimposition of social and economic inequalities on a large body of the peple of this country, and which threatens to reduce Muslims, Christians and other minorities to the status of irredeemable helots, socially and economically;

whereas, the Hindu Caste System is a direct negation of nationalism, equality, democracy and all the noble ideals that Islam stands for;

whereas, different historical backgrounds, traditions, cultures and social and economic orders of the Hindus and Muslims have made impossible the evolution of a single Indian nation inspired by common aspirations and ideals and whereas after centuries they still remain two distinct major nations;

whereas, soon after the introduction by the British of the policy of setting up political institutions in India on the lines of Western democracies based on majority rule which meant that the majority of one nation or society could impose its will on the majority of the other nation in spite of their opposition as was amply demonstrated during the two and

a half years regime of Congress Government in the Hindu majority Provinces under the Government of India Act, 1935, when the Muslims were subjected to untold harassment and oppression as a result of which they were convinced of the futility and ineffectiveness of the so called safeguards provided in the Constitution and in the Instrument of Instructions to the Governors and were driven to the irresistible conclusion that in a United Indian Federation, if established, the Muslims even in majority Provinces would meet with no better fate and their rights and interests could never be adequately protected against the perpetual Hindu majority at the Centre;

whereas, the Muslims are convinced that with a view to save Muslim India from the domination of the Hindus and in order to afford them full scope to develop themselves according to their genius, it is necessary to constitute a sovereign independent State comprising Bengal and Assam in the North-East zone and the Punjab, North-West Frontier Province, Sind and Baluchistan in the North-West zone.

This Convention of the Muslim-League Legislators of India, Central and Provincial, after careful consideration hereby declares that the Muslim Nation will never submit to any constitution for a United India and will never participate in any single constitution-making machinery set up for the purpose, and that any formula devised by the British Government for transferring power from the British to the peoples of India, which does not conform to the following just and equitable principles calculated to maintain internal peace and tranquillity in the country, will not contribute to the solution of the Indian problem:—

1. That the zones comprising Bengal and Assam in the North-East and the Punjab, North-West Frontier Province, Sind and Baluchistan in the North-West of India, namely Pakistan zones, where the Muslims are in a dominant majority, be constituted into a sovereign independent State and that an unequivocal undertaking be given to implement the establishment of Pakistan without delay;

2. that two separate constitution-making bodies be set up by peoples of Pakistan and Hindustan for the purpose of framing their respective constitutions;

3. that the minorities in Pakistan and Hindustan be provided with safeguards on the lines of the All-India Muslim League Resolution passed on the 23rd March 1940, at Lahore;

4. that the acceptance of the Muslim League demand of Pakistan and its implementation without delay are the sine qua non for the Muslim League co-operation and participation in the formation of an interim Government at the Centre.

This Convention further emphatically declares that any attempt to impose a constitution on a United India basis or to force any interim arrangement at the Centre contrary to the Muslim League demand will leave the Muslims no alternative but to resist such imposition by all possible means for their survival and national existence.

**LETTER FROM LORD PETHICK-LAWRENCE TO THE PRESIDENT OF THE CONGRESS, DATED 29TH APRIL, 1946.**

(Lord Pethick Lawrence in his reply clarified the scope and intention of the proposed conference):

29th April, 1946.

"Thank you for your letter of 28th April. The Cabinet Delegation are very glad to know that the Congress agree to enter the joint discussion with representatives of the Muslim League and ourselves.

We have taken note of the views you have expressed on behalf of the Working Committee of Congress. These appear to deal with matters which can be discussed at the Conference, for we have never contemplated that acceptance by Congress and the Muslim League of our invitation would imply as a preliminary condition full approval by them of the terms set out in my letter. These terms are our proposed basis for a settlement, and what we have asked the Congress Working Committee to do is to agree

to send its representatives to meet ourselves and representatives of the Muslim League in order to discuss it.

Assuming that the Muslim League, whose reply we expect to receive in the course of the afternoon, also accept our invitation, we propose that these discussions should be held at Simla, and intend to move there ourselves on Wednesday next. We hope that you will be able to arrange for the Congress representatives to be in Simla in time to open the discussions on the morning of Thursday, May 2nd."

### LETTER FROM LORD PETHICK-LAWRENCE TO THE PRESIDENT OF THE MUSLIM LEAGUE, DATED 29TH APRIL 1946.

Thank you for your letter of the 29th April. The Cabinet Delegation are very glad to know that the Muslim League agree to enter the joint discussion with the representatives of the Congress and ourselves. I am glad to say I have received a letter from the President of the Congress to say that they are also willing to participate in the proposed discussions and have nominated Maulana Azad, Pandit Nehru, Sardar Vallabhbhai Patel and Khan Abdul Ghaffar Khan as their representatives.

We have taken note of the resolution of the Muslim League to which you draw our attention. We have never contemplated that acceptance by the Muslim League and the Congress of our invitation would imply as a preliminary condition full approval by them of the terms set out in my letter. These terms are our proposed basis for a settlement and what we have asked the Muslim League Working Committee to do is to agree to send its representatives to meet ourselves and representatives of the Congress in order to discuss it.

We propose that these discussions should be held at Simla and intend to move there ourselves on Wednesday next. We hope that you will be able to arrange for the Muslim League representatives to be in Simla in time to open the discussions on the morning of Thursday, May 2nd.

The four Congress representatives, Maulana Abul Kalam Azad, Pandit Jawaharlal Nehru, Sardar Vallabhbhai Patel and Khan Abdul Ghaffar Khan moved up to Simla to participate in the proposed Conference. At the request of the Working Committee and the Cabinet Mission Gandhiji too proceeded to Simla.

The Conference between the representatives of the Congress, the Cabinet delegation and the Viceroy and the representatives of the Muslim League commenced on May 5, and ended on May 12.

### CORRESPONDENCE AND DOCUMENTS CONNECTED WITH THE CONFERENCE

#### AGENDA ISSUED BY THE MISSION

1. Groups of Provinces—
   - (a) Composition.
   - (b) Method of deciding Group subjects.
   - (c) Character of Group organisation.
2. Union—
   - (a) Union subjects.
   - (b) Character of Union Constitution.
   - (c) Finance.
3. Constitution-making Machinery—
   - (a) Composition.
   - (b) Functions.
     - (i) in respect of Union
     - (ii) in respect of Groups.
     - (iii) in respect of Provinces.

## LETTER FROM THE PRESIDENT OF THE CONGRESS TO LORD PETHICK-LAWRENCE, DATED 6TH MAY 1946.

My colleagues and I followed with care the proceedings of the conference yesterday and tried to understand what our conversations were leading up to. I confess to feeling somewhat mystified and disturbed at the vagueness of our talks and some of the assumptions underlying them. While we would like to associate ourselves with every effort to explore ways and means of finding a basis for agreement, we must not deceive ourselves, the Cabinet Mission or the representatives of the Muslim League into the belief that the way the conference has so far proceeded furnishes hope of success. Our general approach to the questions before us was stated briefly in my letter to you of April 28th. We find that this approach has been largely ignored and a contrary method has been followed. We realise that some assumptions have to be made in the early stages as otherwise there can be no progress. But assumptions which ignore or run contrary to fundamental issues are likely to lead to misunderstanding during the later stages.

In my letter of April 28th, I stated that the basic issue before us was that of Indian independence and the consequent withdrawal of the British army from India, for there can be no independence so long as there is a foreign army on Indian soil. We stand for the independence of the whole of India now and not in the distant or near future. Other matters are subsidiary to this and can be fitly discussed and decided by the Constituent Assembly.

At the conference yesterday I refererd to this again and we were glad to find that you and your colleagues, as well as the other members of the conference, accepted Indian independence as the basis of our talks. It was stated by you that the Constituent Assembly would finally decide about the nexus or other relationship that might be established between a free India and England. While this is perfectly true, it does not affect the position now, and that is the acceptance of Indian independence now.

If that is so then certain consequences inevitably follow. We felt yesterday that there was no appreciation of these consequences. A Constituent Assembly is not going to decide the question of independence; that question must be and, we take it, has been decided now. That Assembly will represent the will of the free Indian nation and give effect to it. It is not going to be bound by any previous arrangements. It has to be preceded by a Provisional Government which must function, as far as possible, as a government of free India, and which should undertake to make all arrangements for the transitional period.

In our discussions yesterday repeated references were made to "groups" of Provinces functioning together, and it was even suggested that such a group would have an executive and legislative machinery. This method of grouping has not so far been discussed by us but still our talks seemed to presume all this. I should like to make it very clear that we are entirely opposed to any executive or legislative machinery for a group of Provinces or units of the Federation. That will mean a sub-federation, if not something more, and we have already told you that we do not accept this. It would result in creating three layers of executive and legislative bodies, an arrangement which will be cumbrous, static and disjointed, leading to continuous friction. We are not aware of any such arrangement in any country.

We are emphatically of opinion that it is not open to the conference to entertain any suggestions for a division of India. If this is to come, it should come through the Constituent Assembly free from any influence of the present governing power.

Another point we wish to make clear is that we do not accept the proposal for parity as between groups in regard to the executive or legislature. We realise that everything possible should be done to remove fears and suspicions from the mind of every group and community. But the way to

do this is not by unreal methods which go against the basic principles of democracy on which we hope to build up our constitution.

### LETTER FROM LORD PETHICK LAWRENCE TO THE PRESIDENT OF THE MUSLIM LEAGUE AND THE CONGRESS, DATED 8TH MAY 1946

My colleagues and I have been thinking over the best method of laying before the Conference what in our judgment seems the most likely basis of agreement as shown by the deliberations so far.

We have come to the conclusion that it will be for the convenience of the parties if we commit this to writing and send them confidential copies before the Conference meets again.

We hope to be in a position to let you have this in the course of the morning. But as this will give you too short a time to study it adequately before the proposed resumption of the Conference at 3 o'clock this afternoon, I feel sure that you will agree that the meeting be postponed until the same hour (3 o'clock) tomorrow afternoon, Thursday, 9th May, and I hope that you will concur in this change of time which we are convinced is in the interests of all parties.

### LETTER FROM THE PRIVATE SECRETARY TO LORD PETHICK LAWRENCE TO THE PRESIDENT OF THE CONGRESS AND THE MUSLIM LEAGUE DATED 8TH MAY 1946.

With reference to the Secretary of State's letter to you this morning the Cabinet Delegation wish me to send to you the enclosed document which is the paper to which the Secretary of State referred.. The Delegation propose that this paper should be discussed at the next meeting to be held on Thursday afternoon at 3 p.m. if that is agreeable to the Congress/ Muslim League delegates.

### SUGGESTED POINTS FOR AGREEMENT BETWEEN THE REPRESENTATIVES OF CONGRESS AND THE MUSLIM LEAGUE

(Enclosures with letter of 8th May, 1946)

1. There shall be an All-India Union Government and Legislature dealing with Foreign Affairs, Defence, Communications, Fundamental Rights and having the necessary powers to obtain for itself the finances it requires for these subjects.

2. All the remaining powers shall vest in the Provinces.

3. Groups of Provinces may be formed and such groups may determine the Provincial subjects which they desire to take in common.

4. The groups may set up their own Executives and Legislatures.

5. The Legislature of the Union shall be composed of equal proportions from the Muslim-majority Provinces and from the Hindu-majority Provinces whether or not these or any of them have formed themselves into groups together with representatives of the States.

6. The Government of the Union shall be constituted in the same proportion as the Legislature.

7. The constitutions of the Union and the groups (if any) shall contain a provision whereby any Province can by a majority vote of its legislative assembly call for a reconsideration of the terms of the constitution after an initial period of 10 years and at 10 yearly intervals thereafter.

For the purpose of such reconsideration a body shall be constituted on the same basis as the original Constituent Assembly and with the same provisions as to voting and shall have power to amend the constitution in any way decided upon.

8. The constitution-making machinery to arrive at a constitution on the above basis shall be as follows:—

A. Representatives shall be elected from each Provincial Assembly in proportion to the strengths of the various parties in that assembly on the basis of 1/10th of their numbers.

B. Representatives shall be invited from the States on the basis of their population in proportion to the representation from British India.

C. The Constituent Assembly so formed shall meet at the earliest date possible in New Delhi.

D. After its preliminary meeting at which the general order of business will be settled it will divide into three sections, one section representing the Hindu-majority Provinces, one section representing the Muslim-majority Provinces and one representing the States.

E. The first two sections will then meet separately to decide the Provincial constitutions for their group and, if they wish, a group constitution.

F. When these have been settled it will be open to any Province to decide to opt out of its original group and into the other group or to remain outside any group.

G. Thereafter the three bodies will meet together to settle the constitution for the Union on the lines agreed in paragraphs 1—7 above.

H. No major point in the Union constitution which affects the communal issue shall be deemed to be passed by the Assembly unless a majority of both the two major communities vote in its favour.

9. The Viceroy shall forthwith call together the above constitution-making machinery which shall be governed by the provisions stated in paragraph 8 above.

## LETTER FROM THE PRESIDENT OF THE MUSLIM LEAGUE TO LORD PETHICK-LAWRENCE, DATED 8TH MAY 1946.

I have now received the letter of your Private Secretary, dated 8th May 1946, and the enclosed document to which you had referred in your earlier letter of 8th May, 1946. It is proposed by you that this "paper" be discussed at the next meeting of the conference to be held on Thursday afternoon at 3 p.m. if this is agreeable to the Muslim League Delegation.

Your proposal embodied in your letter of 27th April, 1946 runs as follows:—

> "A Union Government dealing with the following subjects:— Foreign Affairs, Defence and Communications. There will be two groups of Provinces, the one of the predominantly Hindu Provinces and the other of the predominantly Muslim Provinces, dealing with all other subjects which the Provinces in the respective groups desire to be dealt with in common. The Provincial Governments will deal with all other subjects and will have all residuary sovereign rights."

This matter was to be discussed at Simla and we agreed to attend the Conference on Sunday, 5th May 1946, on the terms of my letter, dated 28th April, 1946.

You were good enough to explain your formula and then after hours of discussion on the 5th and 6th of May, the Congress finally and definitely turned down the proposed Union confined only to three subjects even with power to levy contribution for financing the Union.

Next, your formula clearly envisaged an agreement precedent between the Congress and the Muslim League with regard to the grouping of Muslim and Hindu Provinces and the formation of two Federations of the grouped Provinces and it followed that there must be two constitution-making machineries. It was on that basis that some kind of Union was suggested in your formula confined only to three subjects and our approval was sought in order to put into this skeleton blood and flesh. This proposal was also categorically turned down by the Congress and the meeting had

to be adjourned for the Mission to consider the matter further as to what steps they may take in the matter.

And now the new enclosed document has been sent to us with a view that 'this paper should be discussed at the next meeting to be held on Thursday afternoon at 3 p.m." The heading of the paper is "Suggested Points for Agreement Between the Representatives of Congress and the Muslim League". By whom are they suggested, it is not made clear.

We are of the opinion that the new suggested points for agreement are a fundamental departure from the original formula embodied in your letter of 27th April, which was rejected by the Congress.

To mention some of the important points we are now asked to agree that there should be one All-India Union Government in terms of paragraphs 1—7 of this paper, which adds one more subject to be vested in the Union Government, i.e., "Fundamental Rights" and it is not made clear whether the Union Government and Legislature will have power or not to obtain for itself the finances by means of taxation.

In the new "suggestions" the question of grouping of Provinces is left exactly as the Congress spokesmen desired in the course of discussions that have taken place hitherto, and is totally different from your original formula.

That there should be a single constitution-making body, we can never agree to; nor can we agree to the method of formation of constitution-making machineries suggested in the paper.

There are many other objectionable features contained in the suggestions which we have not dealt with as we are only dealing with the main points arising out of this paper. In these circumstances, we think, no useful purpose will be served to discuss this paper, as it is a complete departure from your original formula, unless after what we have said above you still desire us to discuss it in the Conference itself tomorrow.

**LETTER FROM LORD PETHICK-LAWRENCE TO THE PRESIDENT OF THE MUSLIM LEAGUE, DATED 9TH MAY 1946.**

I have to acknowledge your letter of yesterday which I have shown to my colleagues. In it you raise a number of issues to which I propose to reply in order.

1. You claim that Congress "finally and definitely turned down the proposed Union confined only to three subjects even with power to levy contribution for financing the Union". This statement is not in accord with my recollection of what took place in the Conference room. It is true that the Congress representatives expressed their view that the limitation was too narrow and argued further that even so limited it necessarily included certain ancillary matters. Up to a point you recognised that there was some force in the argument because you agreed, as I understand, that some power to obtain the necessary finance must be given. There was no final decision on this matter (or of course on any other).

2. Next you claim, if I understand you aright, that our reference to the formation of groups is at variance with the formula in our invitation. I am afraid I cannot accept this view. It is of course a slightly amplified form because it specifies the manner in which the Provinces can decide as to joining any particular group. This amplified form is put forward by us as a reasonable compromise between the views of the Muslim League and those originally expressed by the Congress against grouping at all.

3. You further take exception to the machinery that we suggest should be set up for making the constitution. I would point out to you however that you yourself in explaining how your two constitution-making bodies would work agreed on Tuesday last in the Conference that they would have to join together in the end to decide the constitution of the Union and you took no exception to their having a preliminary session in common to decide procedure. What we are proposing is in fact precisely

the same thing expressed in different words. I am therefore quite at a loss to understand what you have in mind when you use the words "this proposal was also categorically turned down by the Congress".

4. In your next succeeding paragraph you ask who it is that makes the suggestions that are contained in the document I sent you. The answer is the Cabinet Mission and His Excellency the Viceroy who make them in our endeavour to bridge the gap between the viewpoints of the Congress and the Muslim League.

5. You next take exception to our departing from the original formula in my invitation. I would remind you that in accepting my original invitation neither the Muslim League nor the Congress bound itself to accept in full the original formula, and in my reply of April 29th I wrote these words:—

"We have never contemplated that acceptance by the Muslim League and the Congress of our invitation would imply as a preliminary condition full approval by them of the terms set out in my letter. These terms are our proposed basis for a settlement and what we have asked the Muslim League Working Committee to do is to agree to send its representatives to meet ourselves and representatives of the Congress in order to discuss it."

Indeed this is the only sensible attitude because the object of all our discussions is to explore every conceivable possibility of reaching agreement.

6. "Fundamental Rights" were included by us in our suggestions for addition to the list of Union subjects because it seemed to us that it would be of benefit both to the large communities and to the small minorities for them to be put in and accordingly to be worthy of consideration in our conference. As to finance it will of course be quite open to discuss in the Conference the precise significance of the inclusion of this word in its context.

7. Your two following paragraphs are mainly a recapitulation of your previous arguments and have been already dealt with above.

From your last paragraph I understand that though you do not consider in the circumstances that any good purpose would be served by the attendance of the Muslim League delegation at the conference fixed for this afternoon, you are willing to come if we express a desire that you should do so. My collagues and I wish to obtain the views of both parties on the document submitted and therefore would be glad to see you at the Conference.

### LETTER FROM THE PRESIDENT OF THE CONGRESS TO LORD PETHICK LAWRENCE, DATED 9TH MAY, 1946.

My colleagues and I have given the most careful consideration to the memorandum sent by you yesterday suggesting various points of agreement. On the 28th April I sent you a letter in which I explained briefly the Congress viewpoint in regard to certain "fundamental principles" mentioned in your letter of 27th April. After the first day of the conference, on May 6th, I wrote to you again to avoid any possible misunderstanding regarding the issues being discussed in the conference.

I now find from your memorandum that some of your suggestions are entirely opposed to our views and to the views repeatedly declared by the Congress. We are thus placed in a difficult position. It has been and is our desire to explore every avenue for a settlement and a change-over in India by consent, and for this purpose we are prepared to go far. But there are obvious limits beyond which we cannot go if we are convinced that this would be injurious to the people of India and to India's progress as a free nation.

In my previous letters I have laid stress on the necessity of having a strong and organic Federal Union. I have also stated that we do not approve of sub-federations or grouping of Provinces in the manner suggested,

and are wholly opposed to parity in executives or legislatures as between wholly unequal groups. We do not wish to come in the way of Provinces or other units co-operating together, if they so choose, but this must be entirely optional.

The proposals you have put forward are meant, we presume, to limit the free discretion of the Constituent Assembly. We do not see how this can be done. We are at present concerned with one important aspect of a larger problem. Any decision on this aspect taken now might well conflict with the decisions we, or the Constituent Assembly, might want to take on other aspects. The only reasonable course appears to us is to have a Constituent Assembly with perfect freedom to draw up its constitution, with certain reservations to protect the rights of minorities. Thus we may agree that any major communal issue must be settled by consent of the parties concerned, or, where such consent is not obtained, by arbitration.

From the proposals you have sent us (8 D.E.F.G.) it would appear that two or three separate constitutions might emerge for separate groups, joined together by a flimsy common superstructure left to the mercy of the three disjointed groups.

There is also compulsion in the early stages for a Province to join a particular group whether it wants to or not. Thus why should the Frontier Province, which is clearly a Congress Province, be compelled to join any group hostile to the Congress?

We realise that in dealing with human beings, as individuals or groups many considerations have to be borne in mind besides logic and reason. But logic and reason cannot be ignored altogether, and unreason and injustice are dangerous companions at any time and, more especially, when we are building for the future of hundreds of millions of human beings.

I shall now deal with some of the points in your memorandum and make some suggestions in regard to them.

No. 1—We note that you have provided for the Union to have necessary powers to obtain for itself the finance it requires for the subjects it deals with. We think it should be clearly stated that the Federal Union must have power to raise revenues in its own right. Further that currency and customs must in any event be included in the Union subjects, as well as such other subjects as on closer scrutiny may be found to be intimately allied to them. One other subject is an essential and inevitable Union subject and that is Planning. Planning can only be done effectively at the Centre, though the Provinces or units will give effect to it in their rsepective areas.

The Union must also have power to take remedial action in cases of breakdown of the constitution and in grave public emergencies.

Nos. 5 and 6—We are entirely opposed to the proposed parity, both in the Executive and Legislature, as between wholly unequal groups. This is unfair and will lead to trouble. Such a provision contains in itself the seed of conflict and the destruction of free growth. If there is no agreement on this or any similar matter, we are prepared to leave it to arbitration.

No. 7—We are prepared to accept the suggestion that provision be made for a reconsideration of the constitution after ten years. Indeed the constitution will necessarily provide the machinery for its revision at any time.

The second clause lays down that reconsideration should be done by a body constituted on the same basis as the Constituent Assembly. This present provision is intended to meet an emergency. We expect that the constitution for India will be based on adult suffrage. Ten years hence India is not likely to be satisfied with anything less than adult suffrage to express its mind on all grave issues.

No. 8-A.—We would suggest that the just and proper method of elections, fair to all parties, is the method of proportional representation by single transferable vote. It might be remembered that the present basis of election for the Provincial Assemblies is strongly weighted in favour of the minorities.

The proportion of 1/10th appears to be too small and will limit the numbers of the Constituent Assembly too much. Probably the number would not exceed 200. In the vitally important tasks the Assembly will have to face, it should have larger numbers. We suggest that at least one-fifth of the total membership of the Provincial Assemblies should be elected for the Constituent Assembly.

No. 8-B.—This clause is vague and requires elucidation. But for the present we are not going into further details.

No. 8-D.E.F.G.—I have already referred to these clauses. We think that both the formation of these groups and the procedure suggested are wrong and undesirable. We do not wish to rule out the formation of the groups if the Provinces so desire. But this subject must be left open for decision by the Constituent Assembly. The drafting and settling of the constitution should begin with the Federal Union. This should contain common and uniform provisions for the Provinces and other units. The Provinces may then add to these.

No. 8-H.—In the circumstances existing today we are prepared to accept some such clause. In case of disagreement the matter should be referred to arbitration.

I have pointed out above some of the obvious defects, as we see them, in the proposals contained in your memorandum. If these are remedied, as suggested by us, we might be in a position to recommend their acceptance by the Congress. But as drafted in the memorandum sent to us, I regret that we are unable to accept them.

On the whole, therefore, if the suggestions are intended to have a binding effect, with all the will in the world to have an agreement with the League, we must repudiate most of them. Let us not run into any evil greater than the one all of us three parties should seek to avoid.

If an agreement honourable to both the parties and favourable to the growth of free and united India cannot be achieved, we would suggest that an interim Provisional Government responsible to the elected members of the Central Assembly be formed at once and the matters in dispute concerning the Constituent Assembly between the Congress and the League be referred to an independent tribunal.

After a proposal by Pandit Jawaharlal Nehru that an Umpire should be appointed to settle matters of difference between the parties the Conference, understanding that there was a likelihood of agreement on an Umpire between the parties, was adjourned and the following correspondence passed between the parties.

**LETTER FROM PANDIT JAWAHARLAL NEHRU TO THE PRESIDENT OF THE MUSLIM LEAGUE, DATED 16TH MAY 1946.**

In accordance with our decision yesterday at the Conference, my colleagues have given a good deal of thought to the choice of a suitable umpire. We have felt that it would probably be desirable to exclude Englishmen, Hindus, Muslims and Sikhs. The field is thus limited. Nevertheless we have drawn up a considerable list from which a choice can be made. I presume that you have in consultation with your executive, prepared a list of possible umpires. Would you like these two lists to be considered by us, that is, by you and me? If so, we can fix up a meeting for the purpose. After we have met, our recommendation can be considered by the eight of us, that is, the four representatives of the Congress and the four representatives of the Muslim League, and a final choice can be made, which we can place before the Conference when it meets tomorrow.

**LETTER FROM THE PRESIDENT OF THE MUSLIM LEAGUE TO PANDIT JAWAHARLAL NEHRU, DATED MAY 10TH, 1946.**

I received your letter of 10th May at 6 p.m.

At yesterday's meeting between you and me at the Viceregal Lodge, we discussed several points besides the fixing of an umpire. After a short discussion, we came to the conclusion that we will further examine your proposal made by you at the Conference yesterday, with all its implications after your and my consulting our respective colleagues.

I shall be glad to meet you to consider the various aspects of your proposal any time that may suit you tomorrow morning after 10 o'clock.

**LETTER FROM PANDIT JAWAHARLAL NEHRU TO THE PRESIDENT OF MUSLIM LEAGUE, DATED MAY 11TH, 1946.**

Your letter of May 10th reached me at ten last night.

During the talk we had at Viceregal Lodge, you referred to various matters besides the choice of an umpire and I gave you my reactions in regard to them. But I was under the impression that the proposal to have an umpire had been agreed to and our next business was to suggest names. Indeed it was when some such agreement was reached in the Conference that we had our talk. My colleagues have proceeded on this basis and prepared a list of suitable names. The Conference will expect us to tell them this afternoon the name of the umpire we fix upon, or at any rate to place before them suggestions in this behalf.

The chief implication in having an umpire is to agree to accept his final decision. We agree to this. We suggest that we might start with this and report accordingly to the Conference.

As suggested by you, I shall come over to your place of residence at about 10-30 this morning.

**LETTER FROM THE PRESIDENT OF THE MUSLIM LEAGUE TO PANDIT JAWAHARLAL NEHRU, DATED MAY 11th, 1946.**

I am in receipt of your letter of the 11th May.

During the talk we had at the Viceregal Lodge, which lasted for about fifteen or twenty minutes, I pointed out various aspects and implications of your proposal and we had a discussion for a little while, but no agreement was arrived at between you and me on any point except that at your suggestion that you consult your colleagues and I should do likewise we adjourned to meet again the next day to further discuss the matter.

I shall be glad to meet you at 10-30 this morning for a further talk.

**Memorandum by the President of the Muslim League embodying minimum demands by way of an offer, in accordance with the Conference decision, dated 12th May 1946. (Copies sent to the Cabinet Delegation and the Congress)**

PRINCIPLES TO BE AGREED TO AS OUR OFFER

1. The six Muslim Provinces (Punjab, N.W.F.P., Baluchistan, Sind, Bengal and Assam) shall be grouped together as one group and will deal with all other subjects and matters except Foreign Affairs, Defence, and Communications necessary for Defence, which may be dealt with by the Constitution-making bodies of the two groups of Provinces—Muslim Provinces (hereinafter named Pakistan Group) and Hindu Provinces—sitting together.

2. There shall be a separate Constitution-making body for the six Muslim Provinces named above, which will frame Constitutions for the Group and the Provinces in the Group and will determine the list of subjects that shall be Provincial and Central (of the Pakistan Federation) with residuary sovereign powers vesting in the Provinces.

3. The method of election of the representatives to the Constitution-making body will be such as would secure proper representation to the various communities in proportion to their population in each Province of the Pakistan Group.

4. After the Constitutions of the Pakistan Federal Government and the Provinces are finally framed by the Constitution-making body, it will be open to any Province of the Group to decide to opt out of its Group, provided the wishes of the people of that Province are ascertained by referendum to opt out or not.

5. It must be open to discussion in the joint Constitution-making body as to whether the Union will have a Legislature or not. The method of providing the Union with finance should also be left for decision of the joint meeting of the two Constitution making bodies, but in no event shall it be by means of taxation.

6. There should be parity of representation between the two Groups of Provinces in the Union Executive and the Legislature, if any.

7. No major point in the Union Constitution which affects the communal issue shall be deemed to be passed in the joint Constitution-making body, unless the majority of the members of the Constitution-making body, of the Hindu Provinces and the majority of the members of the Constitution-making body of the Pakistan Group, present and voting, are separately in its favour.

8. No decision, legislative, executive or administrative, shall be taken by the Union in regard to any matter of controversial nature, except by a majority of three-fourths.

9. In Group and Provincial Constitutions fundamental rights and safeguards concerning religion, culture and other matters affecting the different communities will be provided for.

10. The Constitution of the Union shall contain a provision whereby any Province can, by a majority vote of its Legislative Assembly, call for reconsideration of the terms of the Constitution, and will have the liberty to secede from the Union at any time after an initial period of ten years.

These are the principles of our offer for a peaceful and amicable settlement and this offer stands in its entirety and all matters mentioned herein are interdependent.

**POINTS SUGGESTED ON BEHALF OF THE CONGRESS AS A BASIS FOR AGREEMENT, 12TH MAY, 1946.**

1. Constituent Assembly to be formed as follows:—

(i) Representatives shall be elected by each Provincial Assembly by proportional representation (single transferable vote). The number so elected should be one-fifth of the number of members of the Assembly and they may be members of the Assembly or others.

(ii) Representatives from the States on the basis of their population in proportion to the representation from British India. How these representatives are to be chosen is to be considered later.

2. The Constituent Assembly shall draw up a constitution for the Federal Union. This shall consist of an All-India Federal Government and Legislature dealing with Foreign Affairs, Defence, Communications, Fundamental Rights, Currency, Customs and Planning, as well as such other subjects, as on closer scrutiny, may be found to be intimately allied to them. The Federal Union will have necessary powers to obtain for itself the finances it requires for these subjects and the power to raise revenues in its own right. The Union must also have power to take remedial action in cases of breakdown of the constitution and in grave public emergencies.

3. All the remaining powers shall vest in the Provinces or Units.

4. Groups of Provinces may be formed and such groups may determine the Provincial subjects which they desire to take in common.

5. After the Constituent Assembly has decided the constitution for the All-India Federal Union as laid down in paragraph 2 above, the representatives of the Provinces may form groups to decide the Provincial constitutions for their group and, if they wish, a group constitution.

6. No major point in the All-India Federal Constitution which affects the communal issue shall be deemed to be passed by the Constituent Assembly unless a majority of the members of the community or communities concerned present in Assembly and voting are separately in its favour. Provided that in case there is no agreement on any such issue, it will be referred to arbitration. In case of doubt as to whether any point is a major communal issue, the Speaker will decide, or, if so desired, it may be referred to the Federal Court.

7. In the event of a dispute arising in the process of constitution-making the specific issue shall be referred to arbitration.

8. The constitution should provide machinery for its revision at any time subject to such checks as may be devised. If so desired, it may be specifically stated that this whole constitution may be reconsidered after ten years.

**NOTE BY THE CONGRESS ON THE PRINCIPLES TO BE AGREED UPON AS SUGGESTED ON BEHALF OF THE MUSLIM LEAGUE, DATED 12TH MAY, 1946.**

The approach of the Muslim League is so different from that of the Congress in regard to these matters that it is a little difficult to deal with each point separately without reference to the rest. The picture as envisaged by the Congress is briefly given in a separate note. From considerations of this note and the Muslim League's proposals the difficulties and the possible agreement will become obvious.

The Muslim League's proposals are dealt with below briefly:

(1) We suggest that the proper procedure is for one Constitution-making body or Constituent Assembly to meet for the whole of India and later for groups to be formed if so desired by the Provinces concerned. The matter should be left to the Provinces and if they wish to function as a group they are at liberty to do so and to frame their own constitution for the purpose.

In any event Assam has obviously no place in the group mentioned, and the North-West Frontier Province, as the elections show, is not in favour of this proposal.

(2) We have agreed to residuary powers, apart from the central subjects, vesting in the Provinces. They can make such use of them as they like and, as has been stated above, function as a group. What the ultimate nature of such a group may be cannot be determined at this stage and should be left to the representatives of the Provinces concerned.

(3) We have suggested that the most suitable method of election would be by single transferable vote. This would give proper representation to the various communities in porportion to their present representation in the legislatures. If the population proportion is taken, we have no particular objection, but this would lead to difficulties in all the Provinces where there is weightage in favour of certain communities. The principle approved of would necessarily apply to all the Provinces.

(4) There is no necessity for opting out of a Province from its group as the previous consent of the Provinces is necessary for joining the group.

(5) We consider it essential that the Federal Union should have a Legislature. We also consider it essential that the Union should have power to raise its own revenue.

(6 and 7). We are entirely opposed to parity of representation as between groups of Provinces in the Union executive or legislature. We think that the provision to the effect that no major communal issue in the Union constitution shall be deemed to be passed by the Constituent Assembly unless a majority of the members of the community or communities

concerned present and voting in the Constituent Assembly are separately in its favour, is a sufficient and ample safeguard of all minorities. We have suggested something wider and including all communities than has been proposed elsewhere. This may give rise to some difficulties in regard to small communities, but all such difficulties can be got over by reference to arbitration. We are prepared to consider the method of giving effect to this principle so as to make it more feasible.

(8) This proposal is so sweeping in its nature that no government or Legislature can function at all. Once we have safeguarded major communal issues, other matters, whether controversial or not require no safeguard. This will simply mean safeguarding vested interests of all kinds and preventing progress, or indeed any movement in any direction. We, therefore, entirely disapprove of it.

(9) We are entirely agreeable to the inclusion of Fundamental Rights and safeguards concerning religion, culture and like matters in the constitution. We suggest that the proper place for this is the All-India Federal Union Constitution. There should be uniformity in regard to these Fundamental Rights all over India.

(10) The constitution of the Union will inevitably contain provisions for its revision. It may also contain a provision for its full consideration at the end of ten years. The matter will be open then for a complete reconsideration. Though it is implied, we would avoid reference to secession as we do not wish to encourage this idea.

Note:—The Conference failed to achieve its object. It broke up on May 12. The Cabinet Mission and the Viceroy moved down to Delhi and on May 16 issued a statement in which they set forth their proposals for the setting up of a Constitution-making body.

## STATEMENT BY THE CABINET DELEGATION AND HIS EXCELLENCY THE VICEROY. NEW DELHI, 16TH MAY, 1946.

1. On March 15th last just before the despatch of the Cabinet Delegation to India, Mr. Attlee, the British Prime Minister, used these words:

"My colleagues are going to India with the intention of using their utmost endeavours to help her to attain her freedom as speedily and fully as possible. What form of Government is to replace the present regime is for India to decide; but our desire is to help her to set forthwith the machinery for making that decision."

* * * *

"I hope that India and her people may elect to remain within the British Commonwealth. I am certain that they will find great advantages in doing so."

* * * *

"But if she does so elect, it must be by her own free will. The British Commonwealth and Empire is not bound together by chains of external compulsion. It is a free association of free peoples. If, on the other hand, she elects for independence, in our view she has a right to do so. It will be for us to help to make the transition as smooth and easy as possible."

2. Charged in these historic words we—the Cabinet Ministers and the Viceroy—have done our utmost to assist the two main political parties to reach agreement upon the fundamental issue of the unity or division of India. After prolonged discussions in New Delhi we succeeded in bringing the Congress and the Muslim League together in Conference at Simla. There was a full exchange of views and both parties were prepared to make considerable concessions in order to try and reach a settlement but it ultimately proved impossible to close the remainder of the gap between the parties and so no agreement could be concluded. Since no agreement has been reached we feel that it is our duty to put forward what we consider are the best arrangements possible to ensure a speedy setting up of the new constitution. This statement is made with the full approval of His Majesty's Government in the United Kingdom.

3. We have accordingly decided that immediate arrangements should be made whereby Indians may decide the future constitution of India and an Interim Government may be set up at once to carry on the administration of British India until such time as a new Constitution can be brought into being. We have endeavoured to be just to the smaller as well as to the larger sections of the people; and to recommend a solution which will lead to a practicable way of governing the India of the future, and will give a sound basis for defence and a good opportunity for progress in the social, political and economic field.

4. It is not intended in this statement to review the voluminous evidence that has been submitted to the Mission; but it is right that we should state that it has shown an almost universal desire, outside the supporters of the Muslim League, for the unity of India.

5. This consideration did not, however, deter us from examining closely and impartially the possibility of a partition of India; since we were greatly impressed by the very genuine and acute anxiety of the Muslims lest they should find themselves subjected to a perpetual Hindu-majority rule.

This feeling has become so strong and widespread amongst the Muslims that it cannot be allayed by mere paper safeguards. If there is to be internal peace in India it must be secured by measures which will assure to the Muslims a control in all matters vital to their culture, religion, and economic or other interests.

6. We therefore examined in the first instance the question of a separate and fully independent sovereign State of Pakistan as claimed by the Muslim League. Such a Pakistan would comprise two areas; one in the north-west consisting of the Provinces of the Punjab, Sind, North-West Frontier, and British Baluchistan; the other in the north-east consisting of the Provinces of Bengal and Assam. The League were prepared to consider adjustment of boundaries at later stage, but insisted that the principle of Pakistan should first be acknowledged. The argument for a separate State of Pakistan was based, first, upon the right of the Muslim majority to decide their method of Government according to their wishes, and secondly, upon the necessity to include substantial areas in which Muslims are in a minority, in order to make Pakistan administratively and economically workable.

The size of the non-Muslim minorities in a Pakistan comprising the whole of the six Provinces enumerated above would be very considerable as the following figures* show:—

| | Muslim | Non-Muslim |
|---|---|---|
| **North-Western Area** | | |
| Punjab .... | 16,217,242 | 12,201,577 |
| North-West Frontier Province .... | 2,788,797 | 249,270 |
| Sind .... | 3,208,325 | 1,326,683 |
| Br. Baluchistan .... | 438,930 | 62,701 |
| | 22,653,294 | 13,840,231 |
| | 62.07% | 37.93% |
| **North-Eastern Area** | | |
| Bengal .... | 33,005,434 | 27,301,091 |
| Assam .... | 3,442,479 | 6,762,254 |
| | 36,447,913 | 34,063,345 |
| | 51.69% | 48.31% |

The Muslim minorities in the remainder of British India number some 20 million dispersed amongst a total population of 188 million.

* All population figures in this statement are from the most recent census taken in 1941.

These figures show that the setting up of a separate sovereign State of Pakistan on the lines claimed by the Muslim League, would not solve the communal minority problem; nor can we see any justification for including within a sovereign Pakistan those districts of the Punjab and of Bengal and Assam in which the population is predominantly non-Muslim. Every argument that can be used in favour of Pakistan, can equally in our view be used in favour of the exclusion of the non-Muslim areas from Pakistan. This point would particularly affect the position of the Sikhs.

7. We therefore considered whether a smaller sovereign Pakistan confined to the Muslim majority areas alone might be a possible basis of compromise. Such a Pakistan is regarded by the Muslim League as quite impracticable because it would entail the exclusion from Pakistan of (a) the whole of the Ambala and Jullundur Division in the Punjab; (b) the whole of Assam except the district of Sylhet; and (c) a large part of Western Bengal, including Calcutta, in which city the Muslims form 23.6 per cent of the population. We ourselves are also convinced that any solution which involves a radical partition of the Punjab and Bengal, as this would do, would be contrary to the wishes and interests of a very large proportion of the inhabitants of these Provinces. Bengal and the Punjab each has its own common language and a long history and tradition. Moreover, any division of the Punjab would of necessity divide the Sikhs leaving substantial bodies of Sikhs on both sides of the boundary. We have therefore been forced to the conclusion that neither a larger nor a smaller sovereign State of Pakistan would provide an acceptable solution for the communal problem.

8. Apart from the great force of the foregoing arguments there are weighty administrative, economic and military considerations. The whole of the transportation and postal and telegraph systems of India have been established on the basis of a united India. To disintegrate them would gravely injure both parts of India. The case for a united defence is even stronger. The Indian armed forces have been built up as a whole for the defence of India as a whole, and to break them in two would inflict a deadly blow on the long traditions and high degree of efficiency of the Indian Army and would entail the gravest dangers. The Indian Navy and Indian Air Force would become much less effective. The two sections of the suggested Pakistan contain the two most vulnerable frontiers in India and for a successful defence in depth the area of Pakistan would be insufficient.

9. A further consideration of importance is the greater difficulty which the Indian States would find in associating themselves with a divided British India.

10. Finally there is the geographical fact that the two halves of the proposed Pakistan State are separated by some seven hundred miles and the communications between them both in war and peace would be dependent on the goodwill of Hindustan.

11. We are therefore unable to advise the British Government that the power which at present resides in British hands should be handed over to two entirely separate sovereign States.

12. This decision does not however blind us to the very real Muslim apprehensions that their culture and political and social life might become submerged in a purely unitary India, in which the Hindus with their greatly superior numbers must be a dominating element. To meet this the Congress have put forward a scheme under which Provinces would have full autonomy subject only to a minimum of Central subjects, such as Foreign Affairs, Defence and Communications.

Under this scheme Provinces, if they wished to take part in economic and administrative planning on a large scale, could cede to the Centre optional subjects in addition to the compulsory ones mentioned above.

13. Such a scheme would, in our view, present considerable constitutional disadvantages and anomalies. It would be very difficult to work a Central Executive and Legislature in which some Ministers, who dealt with Compulsory subjects, were responsible to the whole of India while other

Ministers, who dealt with Optional subjects, would be responsible only to those Provinces which had elected to act together in respect of such subjects. This difficulty would be accentuated in the Central Legislature, where it would be necessary to exclude certain members from speaking and voting when subjects with which their Provinces were not concerned were under discussion.

Apart from the difficulty of working such a scheme, we do not consider that it would be fair to deny to other Provinces, which did not desire to take the optional subjects at the Centre, the right to form themselves into a group for a similar purpose. This would indeed be no more than the exercise of their autonomous powers in a particular way.

14. Before putting forward our recommendation we turn to deal with the relationship of the Indian States to British India. It is quite clear that with the attainment of Independence by British India, whether inside or outside the British Commonwealth, the relationship which has hitherto existed between the Rulers of the States and the British Crown will no longer be possible. Paramountcy can neither be retained by the British Crown nor transferred to the new Government. This fact has been fully recognised by those whom we interviewed from the States. They have at the same time assured us that the States are ready and willing to co-operate in the new development of India. The precise form which their co-operation will take must be a matter for negotiation during the building up of the new constitutional structure, and it by no means follows that it will be identical for all the States. We have not therefore dealt with the States in the same detail as the Provinces of British India in the paragraphs which follow.

15. We now indicate the nature of a solution which in our view would be just to the essential claims of all parties, and would at the same time be most likely to bring about a stable and practicable form of constitution for All-India.

We recommend that the constitution should take the following basic form:—

(1) There should be a Union of India, embracing both British India and the States, which should deal with the following subjects: Foreign Affairs, Defence, and Communications; and should have the powers necessary to raise the finances required for the above subjects.

(2) The Union should have an Executive and a Legislature constituted from British Indian and States representatives. Any question raising a major communal issue in the Legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting.

(3) All subjects other than the Union subjects and all residuary powers should vest in the Provinces.

(4) That States will retain all subjects and powers other than those ceded to the Union.

(5) Provinces should be free to form Groups with executives and legislatures, and each Group could determine the Provincial subjects to be taken in common.

(6) The constitutions of the Union and of the Groups should contain a provision whereby any Province could, by a majority vote of its Legislative Assembly, call for a reconsideration of the terms of the constitution after an initial period of 10 years and at 10 yearly intervals thereafter.

16. It is not our object to lay out the details of a constitution on the above lines, but to set in motion the machinery whereby a constitution can be settled by Indians for Indians.

It has been necessary however for us to make this recommendation as to the broad basis of the future constitution, because it became clear to us in the course of our negotiations that not until that had been done was there any hope of getting the two major communities to join in the setting up of the constitution-making machinery.

17. We now indicate the constitution-making machinery which we propose should be brought into being forthwith in order to enable a new constitution to be worked out.

18. In forming any Assembly to decide a new Constitutional structure the first problem is to obtain as broad-based and accurate a representation of the whole population as is possible .The most satisfactory method obviously would be by election based on adult franchise; but any attempt to introduce such a step now would lead to a wholly unacceptable delay in the formulation of the new Constitution. The only practicable alternative is to utilise the recently elected Provincial Legislative Assemblies as the electing bodies. There are, however, two factors in their composition which make this difficult. First, the numerical strengths of the Provincial Legislative Assemblies do not bear the same proportion to the total population in each Province. Thus, Assam with a population of 10 millions has a Legislative Assembly of 108 members, while Bengal, with a population six times as large, has an Assembly of only 250. Secondly, owing to the weightage given to minorities by the Communal Award, the strengths of the several communities in each Provincial Legislative Assembly are not in proportion to their numbers in the Province. Thus the number of seats reserved for Muslims in the Bengal Legislative Assembly is only 48 per cent of the total, although they form 55 per cent of the Provincial population. After a most careful consideration of the various methods by which these inequalities might be corrected, we have come to the conclusion that the fairest and most practicable plan would be—

(a) to allot to each Province a total number of seats proportional to its population, roughly in the ratio of one to a million, as the nearest substitute for representation by adult suffrage.
(b) to divide this provincial allocation of seats between the main communities in each Province in proportion to their population.
(c) to provide that the representatives allotted to each community in a Province shall be elected by the members of that community in its Legislative Assembly.

We think that for these purposes it is sufficient to recognise only three main communities in India: General, Muslim, and Sikh, the "General" community including all persons who are not Muslims or Sikhs. As the smaller minorities would, upon the population basis, have little or no representation since they would lose the weightage which assures them seats in the Provincial Legislatures, we have made the arrangements set out in paragraph 20 below to give them a full representation upon all matters of special interest to the minorities.

19. (i) We therefore propose that there shall be elected by each Provincial Legislative Assembly the following numbers of representatives, each part of the Legislature (General, Muslim or Sikh) electing its own representatives by the method of proportional representation with the single transferable vote:—

**TABLE OF REPRESENTATION**

**Section A.**

| Province | General | Muslim | Total |
|---|---|---|---|
| Madras | 45 | 4 | 49 |
| Bombay | 19 | 2 | 21 |
| United Provinces | 47 | 8 | 55 |
| Bihar | 31 | 5 | 36 |
| Central Provinces | 16 | 1 | 17 |
| Orissa | 9 | 0 | 9 |
| Total | 167 | 20 | 187 |

**Section B.**

| Province | General | Muslim | Sikh | Total |
|---|---|---|---|---|
| North-West Frontier Province | 0 | 3 | 0 | 3 |
| Punjab | 8 | 16 | 4 | 28 |
| Sind | 1 | 3 | 0 | 4 |
| Total | 9 | 22 | 4 | 35 |

**Section C.**

| Province | General | Muslim | Total |
|---|---|---|---|
| Bengal | 27 | 33 | 60 |
| Assam | 7 | 3 | 10 |
| Total | 34 | 36 | 70 |
| Total for British India | | | 292 |
| Maximum for Indian States | | | 93 |
| Total | | | 385 |

Note.—In order to represent the Chief Commissioners' Provinces there will be added to Sectoin A the Member representing Delhi in the Central Legislative Assembly, the Member representing Ajmer-Merwara in the Central Legislative Assembly, and a representative to be elected by the Coorg Legislative Council.

To Section B will be added a representative of British Baluchistan.

(ii) It is the intention that the States should be given in the final Constituent Assembly appropriate representation which would not, on the basis of the calculations adopted for British India, exceed 93, but the method of selection will have to be determined by consultation. The States would in the preliminary stage be represented by a Negotiating Committee.

(iii) The representatives thus chosen shall meet at New Delhi as soon as possible.

(iv) A preliminary meeting will be held at which the general order of business will be decided, a Chairman and other officers elected, and an Advisory Committee (see paragraph 20 below) on the rights of citizens, minorities, and tribal and excluded areas set up. Thereafter the provincial representatives will divide up into three sections shown under A, B, and C, in the Table of Representation in sub-paragraph (i) of this paragraph.

(v) These sections shall proceed to settle the Provincial Constitutions for the Provinces included in each section, and shall also decide whether any Group Constitution shall be set up for those Provinces and, if so, with what provincial subjects the Group should deal. Provinces shall have the power to opt out of the Groups in accordance with the provisions of sub-clause (viii) below.

(vi) The representatives of the Sections and the Indian States shall reassemble for the purpose of settling the Union Constitution.

(vii) In the Union Constituent Assembly resolutions varying the provisions of paragraph 15 above or raising any major communal issue shall require a majority of the representatives present and voting of each of the two major communities.

The Chairman of the Assembly shall decide which (if any) of the resolutions raise major communal issues and shall, if so requested by a majority of the representatives of either of the major communities, consult the Federal Court before giving his decision.

(viii) As soon as the new constitutional arrangements have come into operation, it shall be open to any Province to elect to come out of any Group

in which it has been placed. Such a decision shall be taken by the new legislature of the Province after the first general election under the new constitution.

20. The Advisory Committee on the rights of citizens, minorities, and tribal and excluded areas should contain full representation of the interests affected, and their function will be to report to the Union Constituent Assembly upon the list of Fundamental Rights, the clauses for the protection of minorities, and a scheme for the administration of the tribal and excluded areas, and to advise whether these rights should be incorporated in the Provincial Group, or Union constitution.

21. His Excellency the Viceroy will forthwith request the Provincial Legislatures to proceed with the election of their representatives and the States to set up a Negotiating Committee. It is hoped that the process of constitution-making can proceed as rapidly as the complexities of the task permit so that the interim period may be as short as possible.

22. It will be necessary to negotiate a Treaty between the Union Constituent Assembly and the United Kingdom to provide for certain matters arising out of the transfer of power.

23. While the constitution-making proceeds, the administration of India has to be carried on. We attach the greatest importance therefore to the setting up at once of an interim Government having the support of the major political parties. It is essential during the interim period that there should be the maximum of co-operation in carrying through the difficult tasks that face the Government of India. Besides the heavy task of day-to-day administration, there is the grave danger of famine to be countered; there are decisions to be taken in many matters of post-war development which will have a far-reaching effect on India's future; and there are important international conferences in which India has to be represented. For all these purposes a Government having popular support is necessary. The Viceroy has already started discussions to this end, and hopes soon to form an Interim Government in which all the portfolios, including that of War Member, will be held by Indian leaders having the full confidence of the people. The British Government, recognising the significance of the changes in the Government of India, will give the fullest measure of co-operation to the Government so formed in the accomplishment of its tasks of administration and in bringing about as rapid and smooth a transition as possible.

24. To the leaders and people of India who now have the opportunity of complete independence we would finally say that we and our Government and countrymen hope that it would be possible for the Indian people themselves to agree upon the method of framing the new constitution under which they will live. Despite the labours which we have shared with the Indian Parties, and the exercise of much patience and goodwill by all, this has not been possible. We therefore now lay before you proposals which, after listening to all sides and after much earnest thought, we trust will enable you to attain independence in the shortest time and with the least danger of internal disturbance and conflict. These proposals may not, of course, completely satisfy all parties, but you will recognise with us that at this supreme moment in Indian history statesmanship demands mutual accommodation.

We ask you to consider the alternative to acceptance of these proposals. After all the efforts which we and the Indian Parties have made together for agreement, we must state that in our view there is small hope of peaceful settlement by agreement of the Indian Parties alone. The alternative would therefore be a grave danger of violence, chaos, and even civil war. The result and duration of such a disturbance cannot be foreseen; but it is certain that it would be a terrible disaster for many millions of men, women and children. This is a possibility which must be regarded with equal abhorrence by the Indian people, our own countrymen, and the world as a whole.

We therefore lay these proposals before you in the profound hope that they will be accepted and operated by you in the spirit of accommodation and goodwill in which they are offered. We appeal to all who have the future good of India at heart to extend their vision beyond their own community or interest to the interests of the whole four hundred millions of the Indian people.

We hope that the new independent India may choose to be a member of the British Commonwealth. We hope in any event that you will remain in close and friendly association with our people. But these are matters for your own free choice. Whatever that choice may be we look forward with you to your ever-increasing prosperity among the great nations of the world, and to a future even more glorious than your past.

## LORD PETHICK-LAWRENCE'S BROADCAST ON 17-5-'46

"The words which I shall speak to you are concerned with the future of a great people—the people of India. There is a passionate desire in the hearts of Indians expressed by the leaders of all their political parties for independence. His Majesty's Government and the British people as a whole are fully ready to accord this independence whether within or without the British Commonwealth and hope that out of it will spring a lasting and friendly association between our two peoples on a footing of complete equality," said Lord Pethick-Lawrence in a broadcast from Delhi on Thursday night.

"Nearly two months ago I, as Secretary of State for India, and my two Cabinet colleagues, Sir Stafford Cripps and Mr. Alexander, were sent out by His Majesty's Government to India to assist the Viceroy in setting up in India the machinery by which Indians can devise their own constitution.

"We were at once confronted with a major obstacle. The two principal parties—the Muslim League who won the great majority of the Muslim seats in the recent elections, and the Congress who won the majority of all the others—were opposed to one another as to the kind of machinery to be set up. The Muslim League claimed that British India should be divided into two completely separate sovereign States, and refused to take part in constitution-making unless this claim was conceded in advance. Congress insisted on one single united India.

"During our stay in India we have tried by every means to secure such an acccommodation between the parties as would enable constitution-making to proceed. Recently we were able to bring them together at Simla in a conference with ourselves, but though both sides were prepared to make substantial concessions, it was not found possible to reach complete agreement. We have therefore been compelled ourselves to seek for a solution which by securing the main objects of both parties will enable constitution-making machinery to be brought into immediate operation.

"While we recognise the reality of the fear of the Muslim League that in a purely unitary India their community with its own culture and way of life might become submerged in a majority Hindu rule, we do not accept the setting up of a separate Muslim sovreign State as a solution of the communal problem. 'Pakistan', as the Muslim League would call their State, would not consist solely of Muslims; it would contain a substantial minority of other communities which would average over 40 per cent and in certain wide areas would even constitute a majority, as for instance in the city of Calcutta where the Muslims form less than one-third of the population. Moreover, the complete separation of Pakistan from the rest of India, would, in our view, gravely endanger the defence of the whole country by splitting the army into two and by preventing that defence in depth which is essential in modern war. We therefore do not suggest the adoption of this proposal.

"Our own recommendations contemplate a constitution of three tiers, at the top of which would be the Union of India with an executive and legislature empowered to deal with the essential subject of External Affairs, Defence and Communications and the finance necessary for these services. At the bottom would be the provinces which would have, apart from the subjects I have just named, complete autonomy. But we contemplate further that provinces will wish to unite together in groups to carry out, in common, services covering a wider area than that of a single province, and these groups may have, if they wish, legislatures and executives which in that event will be intermediate between those of the provinces and those of the Union.

"On this basis, which makes it possible for the Muslims to secure the advantages of a Pakistan without incurring the dangers inherent in the division of India, we invite Indians of all parties to take part in framing a constitution. The Viceroy will accordingly summon to New Delhi representatives of British India who will be elected by the members of the provincial legislatures in such a way that as nearly as possible for each one million of the population there will be one representative, and that the proportion between the representatives of the main communities will be on the same basis.

"After a preliminary meeting in common, these representatives of the provinces wil divide themselves up into three sections the composition of which is laid down and which if the provinces ultimately agree, will become the three Groups. These sections will decide upon provincial and Group matters. Subsequently they will reunite to decide upon the constitution for the Union. After the first elections under the new constitution, provinces will be free to opt out of the Group into which they have been provisionally placed. We appreciate that this machinery does not of itself give any effective representation to other than the principal minorities and we are therefore providing for a special committee to be set up, in which the minorities will play a full part. The business of this Committee will be to formulate fundamental and minority rights and to recommend their inclusion in the constitution at the appropriate level.

"So far I have said nothing about the Indian States which comprise a third of the area of India and contain about one quarter of the whole population. These States at present are each separately governed and have individual relationships with the British Crown. There is general recognition that when British India attains independence the position of these States cannot remain unaffected, and it is anticipated that they will wish to take part in the constitution-making process and be represented in the all-India Union. It does not however lie within our province to decide these matters in advance as they will have to be the subject of negotiation with the States before action can be taken.

"During the making of the constitution, the administration must be carried on and we attach therefore the greatest importance to the setting up at once of an Interim Government, having the support of the major political parties. The Viceroy has already started discussions to this end and he hopes to bring them shortly to a successful issue.

"During the interim period the British Government, recognising the significance of the changes in the Government of India, will give the fullest measure of co-operation to the Government so formed in the accomplishment of its tasks of administration and in bringing about as rapid and smooth a transition as possible.

"The essence of statecraft is to envisage the probable course of future events but no statesman can be wise enough to frame a constitution which will adequately meet all the requirements of an unknown future. We may be confident, therefore, that the Indians, on whom falls the responsibility of creating the initial constitution, will give it a reasonable flexibility and will make provision for it to be revised and amended as required from time to time.

"In this short talk you will not expect me to go into further details regarding our proposals, which you can read in the statement which has

been released for publication this evening. But in conclusion I will repeat and emphasise what to me is the fundamental issue. The future of India and how that future is inaugurated are matters of vital importance not only to India herself but to the whole world. If a great new Sovereign State can come into being in a spirit of mutual goodwill, that of itself will be an outstanding contribution to world stability.

"The Government and people of Britain are not only willing, they are anxious to play their full part in achieving this result. But the constitution for India has to be framed by Indians and worked by Indians when they have brought it into being. We appreciate to the full the difficulties which confront them in embarking on this task. We have done, and we will continue to do, all that lies in our power to help them to overcome these difficulties. But the responsibility and the opportunity is theirs and in their fulfflment of it we wish them godspeed."

Mr. A. V. Alexander, third member of the Cabinet Delegation, who had hitherto remained voiceless in the whole of the two months' talks and negotiations, was cornered by a Pressman on Thursday (17-5-'46) night. Congratulated on the Mission's "achievement," the First Lord of the Admiralty reciprocated:

"It has been our ambition throughout to see that this great nation is not torn asunder by civil strife by anything that we might do. Hence it was that we tried our best to bring about a settlement between the parties themselves—and more so an agreement between the major parties—so that the Indian question is solved with minimum possibilities for any mishappenings. We are really sorry that it could not be done so. We hope that this proposal of our will be to the satisfaction of the majority of the Indian people and lead to a peaceful achievement of Indian freedom."

To an observation by the correspondent that "there should be some bloodshed as it will be humanly impossible for the Mission to satisfy all the parties", Mr. Alexander quickly and clearly answered: "Well, it is very easy to avoid it if sense is allowed to play its proper part over temper and passion."—AP of America.

## CRIPPS EXPLAINS CABINET MISSION'S STATEMENT

Explaining the Cabinet Mission's statement at a Press conference, which was also attended by Lord Pethick-Lawrence and Mr. A. V. Alexander, Sir Stafford Cripps said: "We hope from the bottom of our hearts that the Indian people will accept this statement in the spirit of co-operation in which it has been drawn up and that within a week or two the process of constitution-making may begin and the interim Government may be formed."

Lord Pethick-Lawrence, Secretary of State for India, joined Sir Stafford in stressing "the determination of the British people as a whole to do everything in their power to assist you in securing a constitution which will enable your future to be great in the annals of your country and in the history of the world."

"You have heard two broadcasts on the statement and you have the document before you. This evening the members of the Mission wanted an opportunity to meet you to give you a few words of explanation and tomorrow we shall be meeting you again to answer questions which you may have to put," said Sir Stafford Cripps. "I will make a few remarks about the statement while we are waiting for the Secretary of State to come from the broadcasting studio.

"The first thing I want to point out is what the statement does not purport to do. Let me remind you that this is not merely the Mission's statement, that is the statement of the four signatories; but it is the statement of His Majesty's Government in the United Kingdom. Now the statement does not purport to set out a new constitution for India. It is of no use asking us 'how do you propose to do this or that?' The

answer will be we don't propose to do anything as regards decision upon a constitution; that is not for us to decide.

"What we have had to do is to lay down one or two broad principles of how the constitution might be constructed and recommend those as foundations to the Indian people. You will notice we use the word 'recommend' with regard to the ultimate constitutional forms with which we deal.

"You may quite fairly ask, 'but why do you recommend anything: why not leave it to the Indians?' The answer is that we are most anxious to get all Indians into some constitution-making machinery as quickly as possible and the block at present is in this matter. We are therefore, by this means, trying to remove the block so that the constitution-making may start and progress freely and rapidly. We hope very earnestly that that will be the effect.

"Now that it has been finally and absolutely decided that India is to have the complete independence she desires, whether within or without the British Commonwealth as she chooses, we are anxious that she shall have it as soon as possible and the soonest is when there is a new constitutional structure decided upon by the Indian people.

"But of course we cannot just stand by and wait till that time comes. It is bound to take some time to reach that point of completion of the new constitutional structure.

"So, as you know, the Viceroy, in whose province Government-making primarily lies, has already started his talks with a view to the immediate setting up of a representative Indian Government. We hope that, with the other issues out of the way, on the basis of our statement, he will be able very rapidly to get that new Government representative of the main parties set up and in operation.

"This matter of the interim Government is of supreme importance because of the enormous tasks facing India at the moment. It is these great tasks, and perhaps the greatest of them is to deal with the food situation, that makes it absolutely essential that we should between us arrange a smooth and efficient transition.

"Nothing could be more fatal to the Indian people today in the face of dangers of famine, than a breakdown of administration and communications anywhere in India, and that is why we stress as we do the vital need for co-operation between all parties and communities, including the British, in this time of transition.

"So much then for the vitally important point of the Interim Government. Some of you may wonder how soon this means that the British will sever their governmental connection with India—I hope that in any event we shall remain the closest friends when Indian freedom comes. Well, we certainly can't say that. Who can foretell how quickly constitutions can be hammered out? One thing is however absolutely certain, and that is the quicker you start the quicker you will end and the sooner we shall be able to withdraw, handing over the power to the new Governments of the Union, provinces and if it is decided, of the groups.

"This brings me to what has been decided rather than recommended. It has been decided to make a start with the constitution-making right away. This does not mean a decision as to what the constitution shall finally be; that is for decision by the representatives of the Indian people. What it does mean is that the deadlock which has prevented a start on the process of constitution-making is to be removed once and for all.

"The form in which we propose that the constitution-making bodies should be assembled is important for this reason. It permits of arriving at constitutions in the recommended form. It goes a little further than that in one respect. As we believe and hope that the two parties will come into this constitution-making on the basis of our recommendations, it would not be fair to either of them if the fundamental basis which we

recommend could be easily departed from. So we stipulate that a departure from that basis, which is laid down in paragraph 15 of the statement, should only be made if a majority of both communities agree to it. That I think is eminently fair to both parties. It does not mean that no departure can be made from the recommendations, but it does mean that the special provisions I have mentioned will apply to such resolutions in the constituent assembly of the Union. That is one special provision as to particular majorities. The only other is in relation to matters raising any major communal issue, when a similar rule will apply. All the rest is left to the free play of discussion and vote.

"The question I am sure will occur to all of you and that is why we have named the three sections of provinces into which the assembly will break up to formulate the provincial and group constitutions.

"There was a very good reason for this. First of all, of course, somehow or other those groups had to be formed before they could proceed to their business. There were two ways of dealing with that matter. Either let the present provincial Governments opt themselves into groups or after seeing the constitutions produced, let the new Governments, after the whole contitution-making is complete, opt themselves out if they wish. We have chosen the second alternative for two reasons. First, because it follows the suggestion Congress put forward as regards the provinces and a single federation. They suggested that all the provinces should come in at the beginning but could opt out if they did not like the constitution when they had seen it. We think that this principle should apply to the groups. Second, the present legislatures are not truly representative of the whole population because of the effect of the Communal Award with its weightages.

"We have tried to get a scheme as near as possible to the full adult suffrage, which would be fairest but which would take probably two years to work out—and no one believes that we could wait that length of time before starting on constitution-making. So we discard the present legislatures as decisive for the option and say let it be exercised when the first new elections have taken place, when no doubt there will be a much fuller franchise and when, if necessary, the precise issue can be raised at the election. So the three sections will formulate the provincial and group constitutions and when that is done, they work together with the States' representatives to make the Union constitution. That is the final phase.

"Now a word about the States. The statement in paragraph 14 makes the position quite clear that paramountcy cannot be continued after the new constitution comes into operation, nor can it be handed over to anyone else. It isn't necessary for me to state, I am sure, that a contract or arrangement of this kind cannot be handed over to a third party without the consent of the States. They will therefore become wholly independent but they have expressed their wish to negotiate their way into the Union and that is a matter we leave to negotiation between the States and the British Indian parties.

"There is one other important provision which I would like to stress as it is somewhat novel in constitution-making. We were met by the difficulty of how we could deal fairly with the smaller minorities, the tribal and the excluded areas. In any constitution-making body it would be quite impossible to give them a weightage which would secure for them any effective influence without gravely upsetting the balance between the major parties. To give them a tiny representation would be useless to them. So we decided that minorities would be dealt with really in a double way. The major minorities, such as the Hindus in Muslim provinces, and the Muslims in Hindu provinces, the Sikhs in the Punjab and the Depressed Classes, who had considerable representation in a number of provinces, would be dealt with by proportional representation in the main construction of the constitution-making bodies.

"But in order to give these minorities, and particularly the smaller minorities like the Indian Christians and the Anglo-Indians and also the tribal representatives, a better opportunity of influencing minority pro-

visions, we have made provisions for the setting up by the constitution-making body of an influential advisory commission which will take the initiative in the preparation of the list of fundamental rights, the minority protection clauses and the proposals for the administration of tribal and excluded areas. This commission will make its recommendations to the constitution-making body and will also suggest at which stage or stages in the constitution these provisions should be inserted, that is whether in the Union, Group or Provincial constitutions or in any two or more of them.

"Now that, I think, gives you some picture of the main points with which we have dealt in our statement.

'There is only one other point that I want to stress before leaving the matter with you until tomorrow morning.

"You will realise, I am sure, how terribly important is this moment of decision for the Indian people.

"We are all agreed that we want a speedy conclusion of these matters; so far we have not been able all to agree upon how it should be brought about. We have done in this statement what we believe to be best, after two months of discussion and very hard work, and in the light of all we have heard and studied. This is our firm opinion and we do not, of course, intend to start all the negotiations over again. We intend to get on with the job on the lines we have laid down. We ask the Indian people to give this statement calm and careful consideration. I believe that the happiness of their future depends upon what they now do.

"If failing their own agreement, they will accept this method that we put forward of getting on with the making of a new constitution for India, we can between us make it a smooth transition and a rapid one, but if the plan is not accepted no one can say how acute and long the suffering that will be self-inflicted on the Indian people.

"We are convinced that this statement offers an honourable and peaceful method to all parties and if they accept it we will do all that lies in our power to help forward the constitution-making so as to arrive at the speediest possible settlement.

"Let no one doubt for one moment our intentions. We have not come to India and stayed here so long and worked so hard except to carry out what has long been the policy of the British Labour Party, and that is to transfer power to the Indian people as quickly, as smoothly, and as co-operatively as the difficulties of the process permit.

"We hope from the bottom of our hearts that the Indian people will accept the statement in the spirit of co-operation in which it has been drawn up, and that within a week or two the process of constitution-making may begin and the Interim Government may be formed."

## DEBATE IN LORDS

During a debate in the House of Lords the White Paper on New Indian Plan was read by Lord Addison, the Dominion Secretary.

Viscount Simon who initiated the debate asked whether by setting up of an Interim Government it was meant that new men will be chosen to sit in the Viceroy's Council. He said, "That would not be a Constitutional change. Or is it intended to make a rather more widespread change?"

Lord Addison replying said: "I think it wise counsel that we should wait to ascertain the effect of this Paper on Indian opinion before discussing it further.

"The answer to Lord Simon's question is, I think, fairly clear. **It is more a change of personnel, which we hope will be effected agreeably and satisfactorily and will inspire confidence. The powers and duties of the Viceroy will remain as before."**

Lord Simon: Otherwise it would have meant an Act of Parliament.

Lord Addison: Yes. (Reuter).

"The Hindustan Times" (17-5-1946)

## THE PRESS CONFERENCE, NEW DELHI, (18-5-46)

Speaking coolly and occasionally helped by Sir Stafford Cripps, who sat at his left, Lord Pethick-Lawrence, Secretary of State for India, answered scores of questions at a two-hour Press conferenre in New Delhi on Friday, that was attended by over 100 Indian and foreign Pressmen who sought clarification on aspects of Thursday's announcement.

Lord Pethick-Lawrence made it clear that what the Mission and the Viceroy had announced was not an award. "It is a recommendation," he added, "as to certain bases of the constitution, and a decision to summon Indian representatives to make their own constitution, and therefore quite clearly there is no question of enforcing an award. In these circumstances, the question of use of British troops does not arise at all."

The Secretary of State said that the constitution recommended by the Mission could not be modified in favour of one party to the disadvantage of another.

The question of the right of the provinces vis-a-vis the proposed Union was one of about 100 questions which Lord Pethick-Lawrence answered.

Asked if the provinces with the right to opt out of the groups will have the right to secede from the Indian Union, say within two years. Lord Pethick-Lawrence replied: **"They will not have the right to opt out in a period of two years. What they will have the right to do is to ask for a revision of the constitution at the end of 10 years."**

Q: Supposing Assam, which has a Congress Ministry, decided not to come into Group C with Bengal, which has a Muslim League Ministry, would Assam be allowed to join any other Group?

A: The right to opt out comes later for this reason, that the whole picture should be understood before the option is exercised.

Q: Can a province, if it opts out of one section, go into another section?

Lord Pethick-Lawrence replied that if the right was given to a province to opt into another section and that other section did not want to receive it, a rather awakward situation would arise. The answer to the question was not laid down in the statement but it would be open to the Constituent Assembly to deal with it at the appropriate time.

Q: If any province does not wish to join the Group in which it has been put, can it stay out?

A: The provinces automatically come into the Sections 'A', 'B' and 'C' which are set out in the statement. Initially they are in the particular sections to which they are allocated in the statement and that **particular section will decide whether a group shall be formed and what should be the constitution.** The right to opt out of the group formed by that section arises after the constitution has been framed and the first election to the legislature has taken place. It does not arise before that.

Q: There is a provision whereby any province could, by a majority vote of its Legislative Assembly, call for a reconsideration of the terms of the constitution after an initial period of 10 years. Is there included in the words "call for a reconsideration of the terms of the constitution" any right to have secession considered?

A: If you revise the constitution, quite clearly the whole basis of the constitution can be considered again. Any province can ask for a revision of the constitution. And so far as I can see, when that revision is undertaken, all questions in the constitution are open to rediscussion.

Q: If the provinces in Section 'B', which formed a Muslim majority area, decided to form a group but would not come into the Union, what would be the position?

A: It would be a breach of the condition under which all these people met together for the purpose of making the constitution and, therefore, the constitution-making machinery would break down if it was persisted in. That is contrary to the understanding on which these people

came together. If they are coming together on an understanding, presumably honourably accepting the major premise, and if they were to refuse that later on, it will be a breach of the understanding and we do not contemplate such a thing.

Q: Could the provinces in Section 'B' at the end of 10 years decide to be a separate sovereign State?

A: If the constitution is being revised, of course, all proposals for its revision will be open to discussion. Whether they would be carried through is quite another question.

Q: Supposing a group decides not to come into the Union Constituent Assembly, what would be the position as far as that group is concerned?

A: This is a purely hypothetical question. You cannot forejudge exactly what would be done in the event of people not co-operating, but there is every intention to proceed with the constitution-making machinery as it is set out in the statement. What will happen if one person or any person or groups of people in some way tried to throw spanner in the works I am not prepared at this stage precisely to say, but the intention is to get on with the job.

Q: Can the provincial Assemblies elect people from outside their membership?

A: Yes. That is not excluded under the terms of the statement.

Q: Does the 10-year period set for revision of the constitution mean that the Union constitution is inviolable for 10 years?

A: What it does mean is that the Constituent Assembly will lay down provisions for the revision of the constitution. This is in accordance with what is taking place in a great many other cases in the world. There must be some provision for revision. Precisely what the conditions of revision are is a matter for the Constituent Assembly to decide. I do not think I can go further into that.

Q: Will it be open to the Constituent Assembly to endow the Union with all powers of taxation, including customs, income-tax and other taxes?

Lord Pethick-Lawrence replied that the statement left it open to the Constituent Assembly to interpret the words relating to finance, subject to the condition that any resolution raising a major communal issue should require a majority of the representatives present and voting of each of the two major communities. Subject to that, and subject to alterations in the basic formula, a bare majority in the Constituent Assembly could carry a proposal.

Lord Pethick-Lawrence said that the question of including currency in the Central list could be discussed, if necessary, in the constitution-making body.

Replying to a number of questions on Indian States, the Secretary of State reiterated the fact that paramountcy would continue in the interim period. He stated that the Mission had already received indications from most of the principal States and representatives of large bodies of other States that they had no desire to impede the progress of India towards self-government and independence and that they wanted to co-operate in it.

As regards the position of the India Office during the interim period, Lord Pethick-Lawrence said that for months now the India Office had been proceeding on the assumption that the time would come when great changes would be made in India and the whole position of the India Office would be altered. Its vast administrative machine would, however, be at the disposal of the new constitution in India.

Q: If the constitution-making body decides that as a preliminary to proceeding with its work British troops should be withdrawn, will they be withdrawn?

A: I think that is a misunderstanding of the situation. Some one must be responsible for law and order in a country. In the province the Governments are really responsible for law and order, but the ultimate responsibility rests with the Government of India. We are anxious to transfer that at the earliest possible moment, but we must transfer it to a properly constituted Government. When that time comes, we will make the transfer.

Q: What will be the next stage of activity of the Cabinet Delegation?

A: The first thing is to get this plan accepted by the two main communities and I hope that will be carried through as soon as possible.

Q: What will be the percentage of Muslims in the Interim Government?

A: The question of the Interim Government is not for us to decide; it is primarily a question for the Viceroy.

Q: During the interim period, will the Viceroy's veto be exercised as at present?

A: That is a question for the Viceroy, and he is now negotiating with the parties.

Lord Pethick-Lawrence said that the division into three main communities—General, Muslim and Sikh—had not been made in consultation with any party. "This statement is our own and does not represent necessarily the opinion of anybody in India. But it is put out after we have discussed all these matters with different Indians and it is our attempt to reach the most likely method which will be accepted by the different parties."

Q: Has Congress agreed to this?

A: We have not put this out on the basis that anybody has agreed to anything. It is our statement and stands on its own feet.

There were a number of questions on Mr. Churchill's speech in the House of Commons.

Q: Is Mr. Churchill correct in suggesting that the "shifting of the onus of deciding the future constitution from Indians to HMG is an unfortunate step going beyond the understood purpose and mandate of the Mission"?

A: There has been no shifting of the onus of deciding the constitution. If we could have arranged by agreement between the parties in India the basis of a consultation on which they could come together in a constitution-making body, nothing would have pleased us better. In default of that, we thought it desirable to make certain recommendations as to the basis on which they could come together and the Viceroy is prepared to summon a constitution-making body on that basis. We believe that is in accord with the wish not only of Indians but the majority of our own people at home.

Q: What legislative steps will be required for setting up the Interim Government, the creation of the new constitution and abrogation of the King's title of Emperor of India?

A: So far as the first two are concerned, no legislative steps are necessary at all. So far as the ultimate step is concerned that is a matter of constitutional law and I cannot answer offhand. So far as I know speaking without consideration I am not at all sure that a precise statute will be required for it, but I should not like that to be taken as final. There will naturally have to be a debate in Parliament and some legislative step will have to be taken with the consent of His Majesty the King. But I do not contemplate any difficulty about all that. The present Labour Government is in a considerable working majority in the House of Commons and I do not imagine any serious difficulty in carrying it through.

Q: Do you agree with Mr. Churchill when he implies that you have laboured not to gain an Empire but to cast it away?

A: I can only say that what we are doing today is in accord with the views that have been expressed all through by the really great statesmen in our country and nothing can redound more to the highest traditions of liberty which prevail in my country than if, as a result of our labours, we have in the years to come, a sovereign country here in India whose relationship with ours is one of friendliness and equality in the days to come.—API

**VICEROY'S BROADCAST TO INDIAN PEOPLE (17-5-1946)**

"I speak to the people of India at the most critical hour of India's history. The statement of the Cabinet Delegation containing their recommendations, has now been before you for 24 hours. It is a blueprint for freedom, an outline of which your representatives have to fill in the details and construct the building," said Lord Wavell in a broadcast message on Friday.

"You will have studied the statement, most of you, and many think that it shows a path to reach the summit at which you have been aiming for so long, the independence of India, I am sure you will be eager to take it. If you should have formed the view—I hope you have not—that there is no passage that way, I hope that you will study again the route indicated to you, and see whether the difficulties in the path—and we know they are formidable—cannot be surmounted by skill and patience and boldness.

"I can assure you of this, that very much hard work, very much earnest study, very much anxious thought, and all the goodwill and sincerity at our command have gone to the making of these recommendations. We would much have preferred that the Indian leaders should have themselves reached agreement on the course to be followed and we have done our best to persuade them; but it has not been found possible in spite of concessions on both sides which at one time promised results.

"These proposals put before you are obviously not those that any one of the parties would have chosen if left to itself, but I do believe that they offer a reasonable and workable basis on which to found India's future constitution. They preserve the essential unity of India which is threatened by the dispute between the two major communities; and in especial they remove the danger of the disruption of that great fellowship, the Indian Army, to which India already owes so much and on whose strength, unity and efficiency her future security will depend. They offer to the Muslim community the right to direct their own essential interests, their religion, their education, their culture, their economic and other concerns in their own way and to their own best advantage.

"To another great community, the Sikhs, they preserve the unity of their homeland, the Punjab, in which they have played, and can still play, so important and influential a part.

"They provide in the Special Committee which forms a feature of the constitution-making machinery, the best chance for the smaller minorities to make their needs known and to secure protection for their interests. They seek to arrange a means for the Indian States, great and small, to enter by negotiation into the polity of a united India. They offer to India the prospect of peace—a peace from party strife, the peace so needed for all the constructive work there is to do. And they give you the opportunity of complete independence so soon as the Constituent Assembly has completed its labours.

"I would like to emphasise the constructive work to be done. If you can agree to accept the proposals in the statement as a reasonable basis on which to work out your constitution, then we are able at once to concentrate all the best efforts and abilities in India on the short-term problems that are so urgent. You know them well—the immediate danger of famine to be countered, and measures taken to provide more food for everyone in future years; the health of India to be remedied; great schemes of wider education to be initiated; roads to be built and improv-

ed; and much else to be done to raise the standard of living of the common man. There are also great schemes in hand to control India's water supplies, to expand irrigation, to provide power, to prevent floods; there are factories to be built and new industries to be started; while in the outside world India has to take her place in international bodies, in which her representatives have already established a considerable reputation.

"It is therefore my earnest desire that in these critical times ahead, in the interim period while the new constitution is being built, the Government of India should be in the hands of the ablest of India's leaders, men recognised as such by the Indian people, whom they will trust to further their interests and bring them to their goal.

"As said in the statement, I am charged with the responsibility to form such a Government as soon as possible, to direct the affairs of British India in the interim period. There will be no doubt in the minds of anyone, I hope, what a great step forward this will be on India's road to Self-Government. It will be a purely Indian Government except for its head, the Governor-General; and will include, if I can get the men I want, recognised leaders of the main Indian parties, whose influence, ability and desire to serve India are unquestioned.

"Such a Government must have a profound influence and power not only in India, but also in the outside world. Some of the best ability in India, which has hitherto been spent in opposition, can be harnessed to constructive work. These men can be the architects of the new India.

No constitution and no form of government can work satisfactorily without goodwill, with goodwill and determination to succeed even an apparently illogical arrangement can be made to work. In the complex situation that faces us, there are four main parties: The British, the two main parties in British India, Hindus and Muslims, and the Indian States from all of them very considerable change of their present outlook will be required as a contribution to the general good, if this great experiment is to succeed.

To make concession in ideas and principles is a hard thing and not easily palatable. It requires some greatness of mind to recognise the necessity, much greatness of spirit to make the concession. I am sure that this will not be found wanting in India. As I think you will admit that it has not been found wanting in the British people in this offer.

"I wonder whether you realise that this is the greatest and most momentous experiment in Government in the whole history of the world —a new constitution to control the destiny of 400,000,000 people. A grave responsibility indeed on all of us who are previleged to assist in making it.

Lastly, I must emphasise the seriousness of the choice before you It is the choice between peaceful construction or the disorder of civil strife, between co-operation or disunity, between ordered progress or confusion. I am sure you will not hesitate in your choice for co-operation.

May I end with some words which were quoted by one great man to another at a crisis of the late war, and may well be applied to India at this crisis:—

"Thou too, sail, on, o' ship of state,
Sail on, o' union, strong and great;
Humanity with all its fears
with all the hopes of future years,
Is hanging breathless on thy fate."

## THE COMMANDER-IN-CHIEF'S BROADCAST (17-5-'46)

The following is the text of the C-in-C's broadcast:—

"As you have heard from H. E. the Viceroy, the British Government have put forward a scheme to enable Indians to make their own constitution and set up an independent Indian Government. As you all know too, members of the British Government and the Viceroy have for some time past been discussing with the leaders of the Muslim League and of the Congress. They have been trying to decide what kind of government shall be set up in India. Their object is to make good the promise of the British Government that in future India shall be governed entirely by her own people, free from all control by Britain, and free to remain within the British Commonwealth or to go outside as she likes.

"In spite of every attempt to find a form of government which would be acceptable to the Congress and the Muslim League, no agreement has been reached.

"The Muslim League considers that there must be two independent and separate Governments in India, Pakistan for the Muslims and Hindustan for the Hindus. The Congress thinks that India must not be divided and that there should be one Central Government with the provinces controlling their own affairs to the greatest possible extent.

"This very briefly is the position taken up by the two main political parties.

"It was hoped that between the two points of view some compromise acceptable to both parties might be found. This has, however, not been found possible, although both parties have, for the sake of goodwill, modified their views to a considerable extent.

"The British Government, therefore, having failed to get the two principal political parties to agree, has decided that it is their duty to the people of India to lay down what shall be done in order to give India her independence as soon as possible in an orderly and peaceful manner, so that the mass of the people may be put to the least inconvenience and disturbance.

"In making these arrangements, the British Government has tried to ensure justice and freedom for the smaller as well as for the large sections of the people of India.

"The British Government realises that the Muslims have a real fear that they may be forced to live for always under a Hindu Government and that any new form of government must be such as to make this fear groundless for all time.

"With this in view, the possibility of setting up a complete separate and independent Muslim State of Pakistan has been most carefully considered from every point of view and without any partiality at all.

"As a result of this examination the British Government has been forced to conclude that the setting up of completely independent States not linked together in any way would not result in a settlement of the differences between Hindu and Muslim.

"The setting up of two or more independent Governments would also, in their opinion, result in great loss and danger to India in the future.

"They, therefore, cannot agree to divide India into separate States, though they do think that some way must be found for the predominantly Muslim areas to govern themselves if they wish to do so and to live their own lives. This is also recognised by the Hindus and the Congress Party.

"The British Government, therefore, have approved neither the setting up of completely separate States nor the retention of all power at the Centre. They consider that although the different areas should have a large measure of independence if the people desire it, the responsibility for the Army, Navy and Air Force and for the defence of the whole of India in war, must rest with one authority for the whole of India.

"Apart from this, they have accepted the principle that each province or group of provinces may have full powers to manage its own affairs as desired by its own people without interference from the Centre.

"These proposals are meant to ensure that all creeds and classes shall have their say in how they are to be governed and also to prevent any one section of the people being forced to live under the rule of any other section, without being sure that they will have the right to live their lives in their own way without fear or persecution.

"The details of this new system of government for India must be worked out by the people of India themselves. It is not the task of the British Government to do this.

"To carry on the administration of the country while a new system of government is worked out, the Viceroy proposes to form an Interim Government composed of himself and of leaders of Indian political opinion who have the confidence of the people.

"In this temporary Government the post of War Member which is at present held by the Commander-in-Chief (that is myself) will be held by a civilian who will be an Indian. I shall continue to be responsible for the command and welfare of the Army, Navy and Air Force but all political matters will be in the hands of the new War Member under whom I shall serve, just as the commanders in Britain serve under civilian ministers.

"While this temporary Government carries on the daily business of governing the country, it is proposed that there should be set up three assemblies composed of representatives of all parties and creeds and classes, and elected by the Provincial Legislatures.

"It will be the task of these three assemblies together with representatives from the Indian States to decide how India will be governed in the future.

"The British Government hopes that in this way peace and security will come to India under the rule of her own leaders and that she will become great and prosperous as she deserves.

"While these discussions and meetings are going on it is the duty of the Navy, Army and Air Force to continue to serve the Government and to carry out its orders.

"As I have said, this temporary Government will be an Indian Government composed of members chosen from the leaders of the main political parties in the country who have the full confidence of the people.

"There is no doubt that today there is danger of strife and disorder in the country. Whether you are in the Army, the Navy or the Air Force, you all know the good that comes from discipline and toleration. You have also learned to live together, Hindu, Muslim, Sikh and Christian, in the service of your country without quarrelling or jealousy.

"You have learned each to respect the other and to work side by side for one object—the good of your country.

"In this you have set an example to all India.

"I trust you, as I have always trusted you to go on setting this example and to do your duty, as you have always done it in war and peace.

"I for my part shall do the same. So long as I am here you may rely on me to safeguard your interest in the future as in the past."

(The Congress President summoned a meeting of the Working Committee to be held at Delhi on May 17. The Working Committee considered the statement issued by the Cabinet Delegation and the Viceroy. The correspondence exchanged in connection with the statement and the resolution of the Working Committee dated May 24, are given below).

## LETTER FROM THE CONGRESS PRESIDENT TO LORD PETHICK LAWRENCE, DATED 20TH MAY, 1946.

20, Akbar Road,
New Delhi,
20th May, 1946.

Dear Lord Pethick-Lawrence,

My Committee have carefully considered the statement issued by the Cabinet Delegation on May 16th, and they have seen Gandhiji after the interviews he has had with you and Sir Stafford Cripps. There are certain matters about which I have been asked to write to you.

As we understand the statement, it contains certain recommendations and procedure for the election and functioning of the Constituent Assembly. The Assembly itself, when formed, will, in my Committee's opinion, be a sovereign body for the purpose of drafting the constitution unhindered by any external authority, as well as for entering into a treaty. Further that it will be open to the Assembly to vary in any way it likes the recommendations and the procedure suggested by the Cabinet Delegation. The Constituent Assembly being a sovereign body for the purpose of the constitution, its final decisions will automatically take effect.

As you were aware some recommendations have been made in your statement which are contrary to the Congress stand as it was taken at the Simla Conference and elsewhere. Naturally we shall try to get the Assembly to remove what we consider defects in the recommendations. For this purpose we shall endeavour to educate the country and the Constituent Assembly.

There is one matter in which my Committee were pleased to hear Gandhiji say that you were trying to see that the European members in the various provincial assemblies, particularly Bengal, and Assam, would neither offer themselves as candidates nor vote for the election of delegates to the Constituent Assembly.

No provision has been made for the election of a representative from British Baluchistan. So far as we know, there is no elected Assembly or any other kind of chamber which might select such a representative. One individual may not make much of a difference in the Constituent Assembly, but it would make a difference if such an individual speaks for a whole province which he really does not represent in any way. It is far better not to have representation at all than to have this kind of representation which will mislead and which may decide the fate of Baluchistan contrary to the wishes of its inhabitants. If any kind of popular representation can be arranged, we would welcome it. My Committee were pleased, therefore, to hear Gandhiji say that you are likely to include Baluchistan within the scope of the Advisory Committee's work.

In your recommendations for the basic form of the constitution (page 3 of the printed draft, No. 5) you state that provinces should be free to form groups with executives and legislatures and each group could determine the provincial subjects to be taken in common. Just previous to this you state that all subjects other than the union subjects and all residuary powers should vest in the provinces. Later on in the statement, however, on page 5 you state that the provincial representatives to the Constituent Assembly will divide up into three sections and "these sections shall proceed to settle the provincial constitutions for the provinces in each section and also decide whether any group constitution shall be set up for these provinces". There appears to us to be a marked discrepancy in these two separate provisions. The basic provision gives full autonomy to a province to do what it likes and subsequently there appears to be a certain

compulsion in the matter which clearly infringes that autonomy. It is true that at a later stage the provinces can opt out of any group. In any event it is not clear how a Province or its representatives can be compelled to do something which they do not want to do. A provincial Assembly may give a mandate to its representatives not to enter any group or a particular group or section. As Sections B and C have been formed it is obvious that one Province will play a dominating role in the Section, the Punjab in Section B and Bengal in Section C. It is conceivable that this dominating province may frame a provincial constitution entirely against the wishes of Sind or the North-West Frontier Province or Assam. It may even conceivably lay down rules, for elections and otherwise thereby nullifying the provision for a province to opt out of a group. Such could never be the intention as it would be repugnant to the basic principles and policy of the Scheme itself.

The question of the Indian States has been left vague and, therefore, I need not say much about it at this stage. But it is clear that State representatives who come into the Constituent Assembly must do so more or less in the same way as the representatives of the Provinces. The Constituent Assembly cannot be formed of entirely disparate elements.

I have dealt above with some points arising out of your statement. Possibly some of them can be cleared up by you and the defects removed. The principal point, however, is, as stated above, that we look upon this Constituent Assembly as a sovereign body which can decide as it chooses in regard to any matter before it can give effect to its decision. The only limitation we recognise is that in regard to certain major communal issues the decision should be by a majority of each of the two major communities. We shall try to approach the public and the members of the Constituent Assembly with our own proposals for removing any defects in the recommendations made by you.

Gandhiji has informed my Committee that you contemplate that British troops will remain in India till after the establishment of the Government in accordance with the instrument produced by the Constituent Assembly. My Committee feel that the presence of foreign troops in India will be a negation of India's independence. India should be considered to be independent in fact from the moment that the National Provisional Government is established.

I shall be grateful to have an early reply so that my Committee may come to a decision in regard to your statement.

The Rt. Hon. Lord Pethick-Lawrence.

Yours sincerely,

(Sd.) Abul Kalam Azad.

**LETTER FROM LORD PETHICK-LAWRENCE TO THE CONGRESS PRESIDENT, DATED 22ND MAY 1946.**

Office of the Cabinet Delegation,
Viceroy's House,
New Delhi.
22nd May, 1946.

Dear Maulana Sahib,

The Delegation have considered your letter of 20th May and feel that the best way to answer it is that they should make their general position quite clear to you. Since the Indian leaders after prolonged discussion failed to arrive at an agreement the Delegation have put forward their recommendations as the nearest approach to reconciling the views of the two main parties. The scheme therefore stands as a whole and can only succeed if it is accepted and worked in a spirit of compromise and co-operation.

You are aware of the reasons for the grouping of the Provinces, and this is an essential feature of the scheme which can only be modified by agreement between the two parties.

There are two further points which we think we should mention. First, in your letter you describe the Constituent Assembly as a sovereign body, the final decisions of which will automatically take effect. We think the authority and the functions of the Constituent Assembly and the procedure which it is intended to follow are clear from the statement. Once the Constituent Assembly is formed and working on this basis, there is naturally no intention to interfere with its discretion or to question its decisions. When the Constituent Assembly has completed its labours, His Majesty's Government will recommend to Parliament such action as may be necessary for the cession of sovereignty to the Indian people, subject only to two provisions which are mentioned in the Statement and which are not, we believe controversial, namely, adequate provision for the protection of minorities and willingness to conclude a treaty to cover matters arising out of the transfer of power.

Secondly, while His Majesty's Government are most anxious to secure that the interim period should be as short as possible, you will, we are sure, appreciate, that for the reasons stated above independence cannot precede the bringing into operation of a new constitution.

Yours sincerely,

(Sd.) Pethick Lawrence

Maulana Abul Kalam Azad.

## MEMORANDUM TO THE CHAMBER OF PRINCES (22-5-'46)

NEW DELHI, Wednesday.—The Cabinet Delegation in a memorandum to the Chancellor of the Chamber of Princes, published tday, declares that under the new constitution HMG will cease to exercise the powers of paramountcy. "The void will have to be filled either by the States entering into a federal relationship with the succession Government or Governments in British India, or failing this, entering into particular political arrangements with it or them."

This memorandum was drawn up before the delegation began its discussions with party leaders and represented the substance of what was communicated to the States' representatives at their first interviews.

The memorandum says:—

Prior to the recent statement of the British Prime Minister in the House of Commons, an assurance was given to the Princes that there was no intention on the part of the Crown to initiate any change in their relationship with the Crown or the rights guaranteed by their treaties and engagements without their consent. It was at the same time stated that the Princes' consent to any changes which might emerge as a result of negotiations would not unreasonably be withheld. The Chamber of Princes has since confirmed that the Indian States fully share the general desire in the country for the immediate attainment by India of her full stature. HMG have now declared that if the succession Government or Governments in British India desire independence, no obstacle would be placed in their way. The effect of these announcements is that all those concerned with the future of India wish her to attain a position of independence within or without the British Commonwealth. The Delegation have come here to assist in resolving the difficulties which stand in the way of India fulfilling this wish.

During the interim period, which must elapse before the coming into operation of a new constitutional structure under which British India will be independent or fully self-governing, paramountcy will remain in operation. But the British Government could not and will not in any circumstances transfer paramountcy to an Indian Government.

Meanwhile, the Indian States are in a position to play an important part in the formulation of the new constitutional structure for India and HMG have been informed by the Indian States that they desire, in their own interests and in the interests of India as a whole, both to make their contribution to the framing of the structure, and to take their due place

in it when it is competed. In order to facilitate this they will doubtless strengthen their position by doing everything possible to ensure that their administrations conform to the highest standard. Where adequate standards cannot be achieved within the existing resources of the State they will no doubt arrange in suitable cases to form or join administrative units large enough to enable them to be fitted into the constitutional structure. It will also strengthen the position of States during this formulative period if the various Governments which have not already done so take active steps to place themselves in close and constant touch with public opinion in their States by means of representative institutions.

During the interim period it will be necessary for the States to conduct negotiations with British India in regard to the future regulation of matters of common concern, especially in the economic and financial field. Such negotiations, which will be necessary whether the States desire to participate in the new Indian constitutional structure or not, will occupy a considerable period of time, and since some of these negotiations may well be incomplete when the new structure comes into being, it will, in order to avoid administrative difficulties, be necessary to arrive at an understanding between the States and those likely to control the succession Government or Governments that for a period of time the then existing arrangements as to these matters of common concern should continue until the new agreements are completed. In this matter, the British Government and the Crown Representative will lend such assistance as they can should it be so desired.

When a new fully self-governing or independent Government or Governments come into being in British India, HMG's influence with these Governments will not be such as to enable them to carry out the obligations of paramountcy. Moreover, they cannot contemplate that British troops would be retained in India for this purpose. Thus, as a logical sequence and in view of the desires expressed to them on behalf of the Indian States, His Majesty's Government will cease to exercise the powers of paramountcy. This means that the rights of the States which flow from their relationship with the Crown will no longer exist and that all the rights surrendered by the States to the paramount Power will return to the States. Political arrangements between the States on the one side and the British Crown and British India on the other will thus be brought to an end. The void will have to be filled either by the States entering into a federal relationship with the succession Government or Governments in British India, or failing this, entering into particular political arrangements with it or them.

A Press note says: The Cabinet Delegation desire to make it clear that the document issued on Wednesday entitled "Memorandum on States, Treaties and Paramountcy presented by the Cabinet Delegation to His Highness the Chancellor of the Chamber of Princes" was drawn up before the Mission began its discussions with party leaders and represented the substance of what they communicated to the representatives of the States at their first interviews with the Mission. This is the explanation of the use of the words "succession Government or Governments of British India," an expression which would not of course have been used after the issue of the Delegation's recent statement.

The note at the head of the document was inserted in error.

### SIR N. G. AYYANGAR'S STATEMENT

"It is to be regretted that the Cabinet Delegation have so far not stated their ideas as regards Indian States with the clarity and directness which characterise their award on some of the fundamentals of the new constitution of India.

"The Congress Working Committee has complained that what they have said in regard to Indian States is vague and that much has been left for future decision. Mahatma Gandhi has pointed out with justification that the Delegation have left the question of paramountcy very much in the air. The pronouncements of the Delegation on the ques-

tion of Indian States have to be gathered from their statement of the 16th May and the Memorandum entitled "States, Treaties and Paramountcy" which they claim to have presented to the Chancellor of the Chamber of Princes and which they released for publication on the 22nd of May. In what follows, I shall refer to the former as the "Award" and to the latter as the "Memorandum".

If these two documents are scrutinised with care the following emerge as being the proposals favoured by the Delegation in regard to Indian States:—

(a) There should be a Union of India embracing both British India and the Indian States.

(b) No Indian State can keep out of the Indian Union any more than a province can. In other words, the right of non-accession to the Union is not conceded either to a province or to an Indian State. In implementing its membership of the Union, it is open, however, to an Indian State to exercise the option either of entering into a federal relationship with the Government of the rest of India or of entering into some other particular political arrangement with it:

(c) All Indian States should cede to the Union the subjects of Foreign Affairs, Defence and Communications.

(d) Indian States which elect to enter into a federal relationship with the rest of India will have representation on the Executive and the Legislature of the Union, and will, therefore, effectively participate in the administration of the Union subjects. The political relationship alternative to federal relationship must necessarily partake of the nature of paramountcy exercised by the federal Government; this has necessarily to be so in view of the fact that under the proposed Union constitution, as now, Foreign Affairs and, Defence, in any case, have to be administered for the whole of India by a Union Centre.

(e) The provisions regarding the grouping of provinces in the Award rule out the possibility of Indian States being grouped with the provinces placed in any one of the three sections, A, B and C. The States are to participate in the constitution making body only at the final stage, that is at the stage of framing a constitution for the Union Centre.

(f) The Award provides for no right of sucession from the Union in favour either of an Indian State or of a province. A province can, when its first elected assembly meets, opt itself out of a group, but not out of the Union; an Indian State may elect to keep out of the federal structure but not out of the Union. Under the Award a province is given the right by a majority vote of its legislature to call for a reconsideration of the terms of the constitution of the Union or of a group after an initial period of 10 years and at ten-yearly intervals thereafter. This only means that a province can propose an amendment of the Union or group constitution; it cannot by the unilateral act, either of its legislature or even of its people secede from, i.e., opt itself out of, the Union or of a group. Its proposal for an amendment could not take effect obviously except with the approval of the Union and the group as a whole and unless it is carried in accordance with the special procedure that will undoubtedly be prescribed in the Union constitution for all amendments to it.

(g) During the period of the Interim Government, British paramountcy will continue; it will end with the attainment of independence by India.

(h) During the interim period negotiations should be set on foot between British India and the Indian States in regard to the future regulation of matters of common concern, especially in the economic and financial fields. If these negotiations are not completed by the time the new constitutional structure for India comes into being, arrangements should be entered into for the continuation of the existing state of things in regard to these matters until the new arrangements are completed.

3. Presumably British Paramountcy over Indian States will also be brought under review during the period of the Interim Government with a view to its being replaced in the case of some States by a federal relationship with the new Government and in the case of other States by some other political arrangement which would serve as a substitute for British paramountcy. The implication is justified that unless one or other of these forms of political relationship takes the place of British paramountcy, the unity of India could not be maintained.

4. The Memorandum is in many ways an extraordinary State document. Those who have some knowledge of the previous history of the exercise of paramountcy jurisdiction and the attitude that the Government of British India and His Majesty's Government have in the past adopted in this connection, should have been surprised at some of the astounding statements made in this Memorandum. I am not quite sure whether these statements had received the approval of all those who have been speaking to the Delegation on behalf of the States, though there is reason to think that the Memorandum was not sprung as a surprise upon those spokesmen.

5. Paramountcy is not a mere contractual relationship. The limits of its exercise cannot under present conditions be defined. The jurisdiction has grown up independently of Teraties, Engagements and Sanads. Any rights or privileges derivable from such Treaties, Engagements and Sanads can be exercised only subject to paramountcy. No Treaty, Engagement or Sanad can be construed so as to exempt an Indian State from subordination to the paramount power, which has by usage and the necessities of the case to take what measures it sees fit for the safety of the interests of India as a whole or of the interests of the States themselves and their people. The paramountcy of the British Crown and His Majesty's Government may cease, but until every Indian State has established an effective form of constitutional Government and has entered the new federal structure of India substantially on the same footing as the provinces, paramountcy jurisdiction cannot altogether be eliminated. The only question, therefore, for consideration is in whom this jurisdiction, so long as its exercise continues to be necessary, should vest after British power has been eliminated from this country. Obviously it should vest in what will under the new constitution be the Federal Government of India. In this connection it should not be forgotten that whatever the nominal, theoretical or legal connection of paramountcy with the British Crown and His Majesty's Government may have been in the past, the rights pertaining to paramountcy have been exercised and the obligations of paramountcy have been and are being implemented by the Government of British India. The new Federal Government of India will be a successor of the present Government of British India modified to the extent that it will be by the accession of such States as enter the federal structure. In the usual course paramountcy jurisdiction should, therefore, devolve upon the Government of the new Union and there is no insuperable obstacle in the way of such devolution especially in circumstances which it is hoped will effect a peaceful transfer of power. The devolution may well be made with the consent of the Indian States and with such modifications in regard to the scope and manner of exercise of paramountcy as they may legitimately ask for and may be agreed upon. But consultation in this regard should not be exploitable for the purpose of enabling any States to claim that on the termination of the paramountcy of the Birtish Crown, paramountcy itself will cease altogether and every one of them will become politically independent with liberty to stand out the Indian Union. The Memorandum of the Cabinet Delegation does not in terms subscribe to this theory but individual members of the Delegation have in their explanations committed themselves to it and this naturally has mystified some of those like me who have been trying to interpret the Award in a reasonable way even in respect of what the Delegation contemplate for Indian States.

6. The following paragraph in the Memorandum is, to my mind, extraordinary.

"During the interim period which must elapse before the coming into operation of a new constitutional structure under which British India will be independent and fully self-governing, paramountcy will remain in operation. But the British Government could not and will not in any circumstances transfer paramountcy to an Indian Government."

These remarks are an illustration of considerable loose thinking. During the interim period the link with the British Crown Representative's office is abolished and paramountcy comes once again to be exercised by the Government of British India during this period. I can see no justification for the categorical refusal to transfer paramountcy to that Government if it happens to be a fully nationalised Indian Government. They would be exercising paramountcy only as an instrument of the British Crown under those conditions. It would be ridiculous to contend that an Indian Government which will be in charge of External Affairs, i.e., relation with independent foreign States and Defence for the whole of India cannot be considered competent by the British Crown to advise it in the administration of the functions in relation to the dependent Indian States. Even if the Government of India Act, 1935, could not be amended so as to do away with the office of Crown Representative during the interim period, what is it that can justify the exclusion of an Indian acceptable to the new National Government from appointment to the office of Political Adviser to the Crown Representative? Such an appointment would only smoothen the way towards the framing of the new constitutional structure for India to the satisfaction of Indian States and to their willing participation in that structure. Spokesmen on behalf of the Indian States who have with commendable statesmanship already declared themselves in favour of the States working in close collaboration with the Indian National Congress in the formulation of the new constitution should welcome a change of this character in the manning and working of the Political Department during the interim period. I was, however, astonished and pained to hear when I was in Delhi a few days ago that some of the Princes had actually written to the Viceroy requesting that during the interim period they desired that the Political Adviser should continue to be a Britisher!

7. The theory that paramountcy was acquired by the British power by the specific or implied surrender to the British Crown of sovereign rights by Indian States in consideration of the Crown's undertaking to protect the State and its Ruler against external attack and internal commotion and to support the Ruler and his lawful successor on the Throne was exploded long ago by the Butler Committee and negatived by competent authority. It is strange, therefore, that at this time of day, the Memorandum should speak of the rights surrendered by the States to the paramount power returning to the States which are to be returning the paramount power returning to the States which are to be at liberty thereafter to dispose of them at their discretion. If States are to be allowed to act on the basis of this theory, when British power has been eliminated, it will only lead to anarchy. As I have, however, indicated already, the Delegation's whole scheme provides for the substitution of a new political relationship in the place of paramountcy before this elimination actually takes place. What will be more in keeping with the peaceful transference of power from Britain to India will be that, as in the case of agreements in respect of economic and financial relations, it should be agreed that the succession Government should continue to exercise paramountcy on the present lines until new political arrangements are completed and every Indian State has either entered the federal structure or entered into some other political relationship with the Centre inside the Union.

8. One defect of the Delegation's approach to the Indian States' problem is that it has kept British Indian leaders at arms' length as regards the decisions to be taken in respect of the future of the States. What is now British India is as vitally interested in how the States are going to be fitted into the new constitutional structure as the Indian States themselves are as regards this matter. The States' question can-

not be a matter for negotiation between the British Government and the Ruling Princes alone. Both the leaders of British India and the leaders of people in the States have to be effectively associated with the discussions even of the preliminaries as regards the setting up of constitution-making machinery and the procedure to be followed in respect thereto. It is also vitally important that political parties who decide to take office in the Interim Government should ensure that the administration of parmountcy during the interim period will be so regulated as to ensure close collaboration and a unified policy between the Governor-General-in-Council on the one side and the Crown Representative and his Political Adviser on the other. Otherwise conflicts will arise and deadlocks not easily got over might bring things to a standstill, in respect of the administration of the functions of the Crown in relation to Indian States. The unerring political instinct of Mahatma Gandhi finds fresh illustration in the following sentences taken from his recent article in the "Harijan":—

"If it (paramountcy) cannot be ended with the establishment of the Interim Government it should be exercised in co-operation with it and purely for the benefit of the people of the States. The Princes, if they are true to their professions, should welcome this popular use of paramountcy so as to accommodate themselves to the sovereignty of the people envisaged under the new scheme."

**PRINCES ACCEPT CABINET MISSION'S PROPOSALS (10-6-1946)**

BOMBAY, June 10—India's Princely Order today accepted the British Cabinet Mission's proposals for future constitutional reforms in India, and decided to negotiate with the Viceroy on issues which require adjustment during the interim period.

On behalf of the Standing Committee of the Chamber of Princes, which met here today, the Nawab of Bhopal, Chancellor of the Chamber, welcomed the Cabinet Mission's proposals. The Chancellor, it is understood, will meet the Viceroy in the course of the week to convey to him the decisions of the Standing Committee.

The Standing Committee also accepted the Viceroy's invitation to set up a negotiating committee envisaged in the Cabinet Mission's proposals. The committee is likely to begin functioning from the middle of June in Delhi.

It will, it is understood, consist of the Chancellor, the Nawab of Bhopal, the Pro-Chancellor the Maharaja of Patiala, the Jam Saheb of Navanagar, Nawab Ali Yar Jung (Hyderabad), Sir Manubhai Mehta (Gwalior), Sir C. P. Ramaswamy Iyer (Travancore), Sir Sultan Ahmed, Adviser to the Chancellor, Sardar D. K. Sen (Cooch Behar), Sardar K. M. Panikkar, (Bikaner), and the Dewan of Dungarpur. Mir Maqbool Mahamood, Director of the Chamber will act as secretary to the committee.

The negotiating committee, it is understood, will seek clarification on such vital issues as the method of selecting representatives of the States to the Union Constituent Assembly, and the terms of their participation in it, with particular reference to the continuance of sovereignty and the reigning dynasty; territorial integrity of States; the right of final ratification of the decisions of the Constituent Assembly; financial relations of the Union with the States and the method of States' contribution to the finances of the Union Centre; size of the Federal unit and the question whether they should group at provincial group or Union level.

It is being suggested that any major issue specifically affecting the States should be decided in the Constituent Assembly by a majority of the representatives of the States present and voting.

The negotiating committee will also have to take up other issues such as the scope of the subjects to be ceded to the Union, including Defence, internal reforms and the position of State representatives on the Constituent Assembly in regard to the election of the Chairman and other officers.

The Standing Committee enjoined upon the Indian States to initiate within the next 12 months internal reforms as outlined by the Chancellor in his declration at the last session of the Chamber in January last.

The Standing Committee of the Chamber concluded its deliberations this evening. Sir Cornard Corfield, Political Adviser to the Crown Representative, also addressed the committee.

Among those who attended the meeting were the rulers of Gwalior, Patiala, Bikaner, Nawanagar, Alwar, Nabha, Tehri Garhwal, Dungarpur, Baghat and Dewas.—API.

## THE STATES' PEOPLE'S CONFERENCE DEMAND

Representation for States people in the negotiating committee and the establishment of an Advisory Council, consisting of representatives of the provisional Government, rulers and people of the States, pending the functioning of a new constitution for India, are demanded by the Standing Committee of the All-India States Peoples' Conference in a resolution on the Cabinet Mission's proposals passed on Monday.

The resolution says that, until such time as the new constitution comes into force, it is necessary that a unified policy should be pursued between the States, the provinces and the provisional Government. The proposed Advisory Council should deal with all common matters and should endeavour to co-ordinate States' policies so as to ensure uniformity.

In regard to the Constituent Assembly the resolution says that, wherever there are well-established legislatures constituted on the basis of direct election, the elected members of the legislature should be accepted as the electorates for the election of representatives of the States to the Constituent Assembly. In all other cases the representatives to the Assembly should be elected by the regional councils of the All-India States' People's Conference.

The committee also adopted three other resolutions, one, demanding the release of political prisoners and the enjoyment of civil liberties; a second, opposing the move for the separation of Kalat State in Baluchistan from the rest of India, and a third condemning Hyderabad State for its continued ban on the State Congress.

The resolution on Hyderabad State says: "Any State which does not even recognise elementary civil liberties is out of court in any discussion about the future. The State of Hyderabad will have to change its ways completely before it can be entitled to any consideration in assemblies determining the future of India. In the event of the ban on the State Congress continuing and other civil liberties being denied, it will be the right of the State Congress to function in spite of this ban.

The Standing Committee of the States People's Conference at its meeting on Monday passed the following resolution::

The General Council of the All-India States People's Conference have considered the statements made by the Cabinet Delegation and the Viceroy in regard to the drawing up of a constitution for India. The Council have noted with surprise and regret that the representatives of the States people have been completely ignored by the Delegation in their talks and consultations.

No constitution for India can have any validity or effectiveness unless it applies to the 93 million people of the Indian States and no such constitution can be satisfactorily made without reference to the representatives of the people. The General Council, therefore, record their feeling of resentment at the way the people of the States have been ignored and bypassed at this critical juncture of India's history.

The Council, nevertheless, have given full consideration to the issues at stake and are prepared to offer their co-operation in the building of a free and united India of which the States are integral and autonomous parts. The policy of the States' people was laid down at the last session of the conference at Udaipur and the Council adheres to that policy. That policy was based on full responsibile government by the people of the

States as integral parts of free and federated India;' further that any constitution-making body should have as its members from the States representatives of the people elected on the widest possible franchise. The conference has also stated how the smaller States should be fitted in into the future Indian Union.

The Council welcome the statements made on behalf of the Princes in favour of a united and independent India. A free India must necessarily be a democratic India and therefore, it is a natural corollary that responsible government should be established in the States.

In any constitution for India there cannot be a combination of democracy and autocracy or feudalism. The Council regret that this has not been sufficiently realised or admitted by the Rulers.

In the statement issued by the Cabinet Delegation and the Viceroy on May 16 references to the States are brief and vague and no clear picture emerges as to how they will function in regard to the constitution-making processes. No reference at all is made to the internal structure of the States. It is not possible to conceive of a combination of existing internal structure, which is autocratic and feudal, with a democratic constituent assembly or federal Union.

The Council welcome, however, the statement that paramountcy will end when the new all-India constitution comes into effect. The end of parmountcy, necessarily means the end of the treaties existing between the rulers of the States and the British paramount power. Even during the interim period the functioning of paramountcy should undergo a fundamental change so as to prepare its total termintion.

In the scheme suggested by the Cabinet Delegation and the Viceroy Constituent Assembly is formed from representatives from both the provinces and the States. But the States representatives are supposed to come in only at the final sittings of the full Assembly, when the constitution of the Union Centre is being considered. While the representatives of the provinces and groups are charged with the duty of formulating the constitutions of the groups as well, no parallel arrangements is contemplated which provides likewise for the framing of the constitutions of the States.

The Council are of the opinion that this lacuna should be filled. It is desirable for the Constituent Assembly to represent both the provinces and the States from the earliest stages so that the latter representatives may separately sit and lay down the basic provisions of the State constition, simultaneously with the provincial representatives framing the constitutions of the provinces.

For this purpose the Council are of opinion that wherever there are well established legislatures constituted on the basis of direct election, the elected members of the legislatures should be accepted as the electorates for the election of representatives of the States to the Constituent Assembly. Such a course should, however, be adopted only after fresh elections have been held in the States concerned.

In all other cases the representatives to the Assembly should be elected by the regional councils of the All-India States' People's Conference. This will ensure, as nearly as possible the election of true representatives of the people of the smaller States.

In any provisional arrangement, that might be made pending the functioning of a new constitution for India as well as the States and provinces, it is necessary that a unified policy should be pursued between the States, the provinces and the provisional Government. For this purpose an Advisory Council should be created consisting of representatives of the provisional Government, of the rulers and of the people of the States.

This Council should deal with all common matters and should endeavour to co-ordinate different policies in different States so as to ensure a certain uniformity. It should be the business of this Advisory Council

to expedite internal change in the States with a view to the introduction of responsible government.

The Advisory Council should consider the question of grouping of States to enable them to form adequate units of the Federal Union, as well as the absorption of some States into the provinces. Matters relating to succession in the States, maladministration and the like should be referred to a tribunal for decision.

At the end of the interim period the States, either singly or in groups, should form equal units of the Federal Union with equal rights with the provinces and with a democratic structure approximating to that prevailing in the provinces.

The General Council directs and authorises the Standing Committee to take such steps as may be necessary to give effect to the general principles contained in this resolution:—API.

## CORRESPONDENCE BETWEEN THE CHANCELLOR OF THE CHAMBER OF PRINCES & THE VICEROY

### LETTER FROM H. H. THE NAWAB OF BHOPAL, CHANCELLOR OF THE CHAMBER OF PRINCES, TO THE VICEROY, DATED JUNE 19

"The Standing Committee of Princes gave most careful consideration at their recent meetings in Bombay to the proposals of the Cabinet Mission and Your Excellency in regard to the long-range constitutional arrangements and for the interim period. Their views are embodied in the enclosed statement which has been released to the press and of which an advance copy was forwarded to Sir Conrad Corfield, Political Adviser to the Viceroy in his capacity as Crown Representative. I would invite Your Excellency's particular attention to the attitude taken by the Standing Committee of Princes on the question of internal reforms in the States as indicated in Paragraph 4 of the press statement.

"The Standing Committee desired me to convey to the members of the Cabinet Mission and to Your Excellency their graceful appreciation of the genuine efforts made by them, notwithstanding obvious difficulties, to reach as far as possible an agreed settlement of the Indian constitutional problem. The Standing Committee are of the view that the plan provides the necessary machinery for the attainment by India of independence as well as a fair basis for further negotiations. They welcome the declaration of the Cabinet Mission in regard to paramountcy, but consider certain adjustments necessary for the interim period which have already been indicated by them. Final decisions of the States and of the Standing Committee, as will doubtless be appreciated, will depend on the completed picture which may emerge from the proposed negotiations and discussions.

"The Standing Committee desire in particular to convey their gratitude to Your Excellency for your valuable advice and assistance during these negotiations to safeguard the legitimate interest of the States, and they would request that their grateful thanks may also be conveyed to Sir Conrad Corfield who, as Your Excellency knows, has been very helpful. The Committee feel confident that with your support, the various matters which have been left undefined or for future negotiations and discussions will be settled on merits to the satisfaction of the States.

"The Standing Committee have decided, in response to Your Excellency's invitation, to set up a Negotiating Committee whose personnel is given in the enclosed list. The Committee did their utmost to keep the number small as desired by Your Excellency, but they felt that it would not be possible for them to reduce that number. I shall be grateful if I am informed, as early as possible, of the time and place when this committee is expected to meet, and the personnel of the corresponding Committee which may be set up by the representatives of British India on the Constituent Assembly. The result of these negotiations are proposed to be considered by the Standing Committee of Princes, the Committee

of Ministers and the Constitutional Advisory Committee whose recommendations will be placed before a general conference of Rulers and representatives of States. The decision on the question whether the States should or should not join the Constituent Assembly will be taken by that conference and will depend on the result of the forthcoming negotiations.

"A list of representatives of the States for the proposed committee on matters of common concern to British India and the States is also enclosed. It was necessary to accommodate on it various important interests and regions of States and to include persons with special knowledge of subjects which are likely to be taken up at the deliberations of this Committee. It is understood, however, that all the members of this Committee would not be required to attend every meeting, and that ordinarily not more than five or six, whatever the number from British India, would be invited by the Chancellor to participate in the discussions according to the nature of the subjects on the agenda. Provision will also have to be made for the co-option of representatives from any State or group of States, not represented on the Committee, when any special questions particularly affecting them are under discussion. Draft rules for the conduct of business and other details relating to this committee will be discussed with Sir Conrad and it is believed that Your Excellency may also have to consult the Interim Government in regard to these matters.

"In the meantime, as desired by Your Excellency, questions relating to the exercise of paramountcy in the interim period are proposed to be pursued with Sir Conrad and any outstanding points will be submitted to Your Excellency. The Standing Committee have authorised me to conduct further negotiations in regard to these matters with a view to reaching early decisions."

### LETTER FROM THE VICEROY TO H. H. THE NAWAB OF BHOPAL, CHANCELLOR OF THE CHAMBER OF PRINCES, DATED JUNE 29

"The Cabinet Mission and I welcome the attitude which the Princes have adopted towards the plan which we have proposed for the solution of India's constitutional problem, and we particularly appreciate the action of the Standing Committee in endorsing the suggestions we made in regard to the manner in which States could best fit themselves to make their due contribution to India's new constitutional structure. We are confident that, when the time comes for the States to make their final decision, that decision will be characterised by the same sense of realism and the same spirit of accommodation as have already been manifested.

"I greatly appreciate the sentiments expressed by the Standing Committee in regard to myself and my Political Adviser. I should like to assure Your Highness and the Standing Committee that we shall continue, during the forthcoming negotiations, to give such assistance as is in our power to the promotion of agreed conclusions stisfactory alike to the States and to British India.

"I have taken note of the personnel selected by the States to represent them on the Negotiating Committee. I will inform Your Highness, as soon as I am in a position to do so, of the time and place of the Committee's meeting. The composition of the corresponding committee from British India cannot, I think, be determined in advance of the preliminary session of the Constituent Assembly.

"I understand from Sir Conrad Corfield that he is already engaged in active discussions with the authorities of the Central Government about the machinery for giving effect to the Princes' proposal for a Consultative Committee to deal with matters of common concern to British India and the States. Sir Conrad will, no doubt, keep Your Highness fully informed of the progress made in these discussions, and I myself intend, at a later stage, to place the proposal before the Interim Government.

"I shall be grateful if Your Highness will convey to the Standing Committee of Princes my appreciation of the helpful attitude they have

adopted towards the complex constitutional problems with which India is confronted. Under Your Highness's presidency, the Standing Committee have given a lead which will, I trust, be followed by all Princes of India."

## MR. JINNAH'S STATEMENT, AS ISSUED BY THE ORIENT PRESS OF INDIA, READS AS FOLLOWS

"I have now before me the statement of the British Cabinet Delegation and His Excellency the Viceroy dated May 15, 1946, issued at Delhi. Before I deal with it, I should like to give a background of the discussions that took place at Simla from May 5 onwards till the Conference was declared concluded and its breakdown announced in the official communique dated May 12., 1946. We met in the Conference on May 5 to consider the formula embodied in the letter of the Secretary of State for India, dated April 27, inviting the League representatives. The formula was as wfollows:

"A Union Government dealing with the following subjects—Foreign Affairs, Defence and Communications.

There will be two groups of provinces, one of the predominantly Hindu provinces and the other of the predominantly Muslim provinces, dealing with all other subjects which the provinces in the respective groups desire to be dealt with in common. The provincial Governments will deal with all other subjects and will have all the residuary sovereign rights."

"The Muslim League's position was that: Firstly, the zones comprising Bengal and Assam, in the north-east, and the Punjab, the N.W.F.P., Sind and Baluchistan in the north-west of India constituted Pakistan zones and should be constituted as a sovereign independent State and that an unequivocal undertaking be given to implement the establishment of Pakistan without delay.

"Secondly, that separate constitution-making bodies be set up by the peoples of Pakistan and Hindustan for the purpose of framing their respective constitutions.

"Thirdly that minorities in Pakistan and Hindustan be provided with safeguards on the lines of the Lahore resolution.

"Fourthly, that the acceptance of the League demand and its implementation without delay were a sine qua non for the League co-operation and participation in the formation of an Interim Government at the Centre.

"Fifthly, it gave a warning to the British Government against any attempt to impose a federal constitution on a united India basis or forcing any interim arrangement at the Centre, contrary to the Legue demand; and that Muslim India would resist if any attempt to impose it were made. Besides, such an attempt would be the grossest breach of faith of the declaration of His Majesty's Government made in August, 1940, with the approval of the British Parliament and subsequent pronouncements by the Secretary of State for India and other responsible British statesmen from time to time reaffirming the August Declaration.

"We accepted the invitation to attend the Conference without prejudice, without any commitment and without accepting the fundamental principles underlying this short formula of the Mission on the assurance given by the Secretary of State for India in his letter, dated April 29, 1946, wherein he said: "We have never contemplated that acceptance by the Muslim League and the Congress of our invitation would imply as a preliminary condition full approval by them of the terms set out in my letter. These terms are our proposed basis for a settlement and what we have asked the Muslim League Working Committee to do is to agree to send its representatives to meet ourselves and the representatives of the Congress in order to discuss it.

"The Congress position, in reply to the invitation was stated in their letter of April 28, 1946, that a strong federal government at the Centre, with present provinces as federating units, be established and they laid

down that Foreign Affairs, Defence, Currency, Customs, Tariffs and 'such other subjects as may be found on closer scrutiny to be intimately allied to them,' should vest in the Central Federal Government. They negatived the idea of grouping of provinces. However, they also agreed to participate in the Conference to discuss the formula of the Cabinet Delegtion.

"After days of discussion no appreciable progress was made. Finally, I was asked to give our minimum terms in writing. Consequently, we embodied certain fundamental principles of our terms in writing as an offer to the Congress in the earnest desire for a peaceful and amicable settlement and for the speedy attainment of freedom and independence of the peoples of India. It was communicated to the Congress on May 12, and a copy of it was sent to the Cabinet Mission at the same time.

The following were the terms of the offer:

(1) "The six Muslim provinces (Punjab, N.-W.F.P., Baluchistan, Sind, Bengal and Assam) shall be grouped together as one group and will deal with all other subjects and matters, except Foreign Affairs, Defence and Communications necessary for Defence, which may be dealt with by the constitution-making bodies of the two groups of provinces—Muslim provinces (hereinafter named Pakistan group) and Hindu provinces sitting together.

(2) "There shall be a separate constitution-making body for the six Muslim provinces named above, which will frame constitutions for the group and the provinces in the group and will determine the list of subjects that shall be provincial and Central (of the Pakistan federation) with residuary sovereign powers vesting in the provinces.

(3) "The method of election of the representatives to the constitution-making body will be such as would secure proper representation to the various communities in proportion to their population in each province of the Pakistan group.

(4) "After the constitutions of the Pakistan federal government and the provinces are finally framed by the constitution-making body, it will be open to any province of the group to decide to opt out of its group, provided the wishes of the people of that province are ascertained by a referendum to opt out or not.

(5) "It must be open to discussion in the joint constitution-making body as to whether the Union will have a legislature or not. The method of providing the Union with finnce should also be left for the decision of the joint meeting of the two constitution-making bodies, but in no event shall it be by means of taxation.

(6) "There should be parity of representation between the two groups of provinces in the Union Executive and the Legislature, if any.

No major point in the Union constitution which affects the communal issue shall be deemed to be passed in the joint constitution-making body, unless the majority of the members of the constitution-making body, of the Hindu provinces and the majority of the members of the constitution-making body of the Pakistan Group, present and voting, are separately in its favour.

(8) "In group and provincial constitutions fundamental rights and safeguards concerning religion, culture and other matters affecting the different communities will be provided for.

(10) "The constitution of the Union shall contain a provision whereby any province can, by a majority vote of its Legislative Assembly, call for reconsideration of the terms of the constitution, and will have the liberty to secede from the Union at any time after an initial period of 10 years.

"The crux of our offer, as it will appear from its text, was inter alia that the six Muslim provinces should be grouped together as the Pakistan group and the remaining as the Hindustan group and on the basis of two federations we were willing to consider the Union of Confederation strictly confined to three subjects only namely, Foreign Affairs, Defence,

and Communications necessary for Defence which the two sovereign federations would voluntarily delegate to the Confederation. All the remaining subjects and the residue were to remain vested in the two federations and the provinces respectively. This was intended to provide for a transitional period, as after an initial period of 10 years we were free to secede from the Union. But unfortunately this most conciliatory and reasonable offer was in all its fundamentals not accepted by Congress, as will appear from their reply to our offer. On the contrary their final suggestions were the same as regards the subjects to be vested in the Centre as they had been before Congrss entered the conference and they made one more drastic suggestion for our acceptance that the Centre 'must also have the power to take remedial action in cases of breakdown of the constitution and in grave public emergencies.' This was stated in their reply dated May 12, 1946, which was communicated to us.

"At this stage the conference broke down and we were informed that the British Cabinet Mission would issue their statement which is now before the public.

To begin with the statement is Cryptic with several lacunae and the operative part of it is comprised of a few short paragraphs, to which I shall refer later.

"I regret that the Mission should have negatived the Muslim demand for the establishment of a complete sovereign State of Pakistan, which we still hold is the only solution of the constitutional problem of India and which alone can secure stable Governments and lead to the happiness and welfare not only of the two major communities, but of all the peoples of this sub-continent. It is all the more regrettable that the Mission should have thought fit to advance commonplace and exploded arguments against Pakistan and resorted to special pleadings couched in deplorable language which is calculated to hurt the feelings of Muslim India. It seems that this was done by the Mission simply to appease and placate Congress, because when they came to face the realities, they themselves made the following pronouncement embodied in paragraph five of the statement, which says:—

'This consideration did not, however, deter us from examining closely and impartially the possibility of a partition of India; since we were greatly impressed by the very genuine and acute anxiety of the Muslims lest they should find themselves subjected to a perpetual Hindu-majority rule.

'This feeling has become so strong and widespread amongst the Muslims that it cannot be allayed by mere paper safeguards. If there is to be internal peace in India, it must be secured by measures which will assure to the Muslims' a control in all matters vital to their culture, religion, and economic or other interests.'

"And again in paragraph 12:—

'This decision does not, however, bind us to the very real Muslim apprehensions that their culture and political and social life might become submerged in a purely unitary India in which the Hindus with their greatly superior numbers must be a dominating element.'

"And now what recommendations have they made to effectively sesure the object in view and in the light of the very clear and emphatic conclusions they arrived at in paragraph 12 of this statement?

"I shall now deal with some of the important points in the operative part of the statement:—

(1) "They have divided Pakistan into two what they call Section B for the North-Western Zone and Section C for the North-Eastern Zone.

(2) "Instead of two constitution-making bodies only one constitution-making is devised, with these Sections A, B and C.

(3) "They lay down that 'there should be a Union of India, embracing both Btitish-India and the States, which should deal with the following subjects: Foreign Affairs, Defence, and Communications; and shou'd

have the power necessary to raise the finances required for the above subjects.'

"There is no indication at all that the Communications would be restricted to what is necessary for Defence. Nor is there any indication as to how this Union will be empowered to raise finances required for these three subjects, while our view was that finances should be raised only by contributions and not taxation.

(4) "It is laid down that 'the Union should have an Executive and a Legislature constituted from British India and States' representatives. Any question raising a major communal issue in the Legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting' while our view was: (a) That there should be no Legisalture for the Union, but the question should be left to the Constituent Assembly to decide; (b) that there should be parity of representation between the Pakistan Group and the Hindustan Group in the Union, Executive and Legislature, if any; and (c) that no decision legislative, executive or administrative, should be taken by the Union in regard to any matter of a controversial nature, except by a majority of three-fourths. All these three terms of our offer have been omitted from the statement.

"No doubt there is one safeguard for the conduct of business in the Union Legislature that 'any question raising a major communal issue in the Legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting.'

"Even this is vague and ineffective. To begin with, who will decide and how as to what is a major communal issue and as to what is a minor communal issue and what is a purely non-communal issue?

(5) "Our proposal that the Pakistan Group should have a right to secede from the Union after an initial period of 10 years, although the Congress had no serious objection to it, has been omitted and now we are only limited to a reconsideration of terms of the Union constitution after an initial period of 10 years.

(6) "Coming to the constitution-making machinery, here again a representative of British Baluchistan is included in Section B, but how he will be elected is not indicated.

(7) "With regard to the constitution-making body for the purpose of framing the proposed Union constitution, it will have an overwhelming Hindu majority, as in a House of 292 for British India, the Muslim strength will be 79 and if the number allotted to the Indian States, i.e., 93 is taken into account, it is quite obvious that the Muslim proportion will be further reduced as the bulk of the States' representatives would be Hindus. This Assembly, so constituted, will elect the chairman and other officers and, it seems, also the members of the advisory committee referred to in paragraph 20 of the statement by a majority, and the same rule will apply also to other normal business. But I note that there is only one saving clause which runs as follows:—

" 'In the Union constituent assembly resolutions varying the provisions of paragraph 15 above or raising any major communal issue shall require a majority of the representatives present and voting of each of the two major communities.

" 'The Chairman of the Assembly shall decide which (if any) of the resolutions raise major communal issues and shall, if so requested by a majority of the representatives of either of the major communities, consult the Federal Court before giving his decision.'

"It follows, therefore, that it will be the chairman alone who will decide. He will not be bound by the opinion of the Federal Court. Nor need anybody know what that opinion was, as the chairman is merely directed to consult the Federal Court.

(8) "With regard to the provinces opting out of their group, it is left to the new legislature of the province, after the first general election under the new constitution, to decide instead of a referendum of the people as was suggested by us.

(9) "As for para 20 which runs as follows:—

"The Advisory Committee on the rights of citizens, minorities, and tribal and excluded areas should contain full representation of the interests affected, and their function will be to report to the Union Constituent Assembly upon the list of fundamental rights, the clauses for the protection of minorities, and a scheme for the administration of the tribal and excluded areas, and to advise whether these rights should be incorporated in the provincial, group, or Union constitution.

"This raises a very serious question indeed, for if it is left to the Union Constituent Assembly to decide these matters by a majority vote whether any of the recommendations of the advisory committee should be incorporated in the Union constitution, then it will open a door to more subjects being vested in the Union government. This will destroy the very basic principle that the Union is to be strictly confined to three subjects.

"These are some of the main points which I have tried to put before the public after studying this important document. I do not wish to anticipate the decision of the Working Committee and the Council of the All India Muslim League, which are going to meet shortly at Delhi. They will finally take such decisions as they may think proper after a careful consideration of the pros and cons and a thorough and a dispassionate examination of the statement of the British Cabinet Delegation and the Viceroy."

## RESOLUTIONS PASSED BY THE CONGRESS WORKING COMMITTEE ON MAY 24, 1946.

The Working Committee have given careful consideration to the statement dated May 16, 1946 issued by the Delegation of the British Cabinet and the Viceroy on behalf of the British Government, as well as the correspondence relating to it that has passed between the Congress President and the members of the Delegation. They have examined it with every desire to find a way for a peaceful and co-operative transfer of power and the establishment of a free and independent India. Such an India must necessarily have a strong central authority capable of representing the nation with power and dignity in the counsels of the world. In considering the Statement, the Working Committee have kept in view the picture of the future, in so far as this was available to them from the proposals made for the formation of a Provisional Government and the clarification given by members of the Delegation. This picture is still incomplete and vague. It is only on the basis of the full picture that they can judge and come to a decision as to how far this is in conformity with the objectives they aim at. These objectives are: independence for India, a strong, though limited central authority, full autonomy for the provinces, the establishment of a democratic structure in the centre and in the units, the guarantee of the fundamental rights of each individual so that he may have full and equal opportunities of growth, and further that each community should have opportunity to live the life of its choice within the larger framework.

The Committee regret to find a divergence between these objectives and the various proposals that have been made on behalf of the British Government, and, in particular, there is no vital change envisaged during the interim period when the Provisional Government will function, in spite of the assurance given in paragraph 23 of the Statement. If the independence of India is aimed at, then the functioning of the Provisional Government must approximate closely in fact, even though not in law, to that independence and all obstructions and hindrances to it should be removed. The continued presence of a foreign army of occupation is a negation of independence.

The Statement issued by the Cabinet Delegation and the Viceroy contains certain recommendations and suggests a procedure for the building up of a Constituent Assembly, which is sovereign in so far as the framing of the constitution is concerned. The Committee do not agree with some of these recommendations. In their view it will be open to the Constituent Assembly itself at any stage to make changes and variations, with the proviso that in regard to certain major communal matters a majority decision of both the major communities will be necessary.

The procedure for the election of the Constituent Assembly is based on representation in the ratio of one to a million, but the application of this principle appears to have been overlooked in the case of European members of Assemblies, particularly in Assam and Bengal. Therefore, the Committee expect that this oversight will be corrected.

The Constituent Assembly is meant to be a fully elected body, chosen by the elected members of the Provincial Legislatures. In Baluchistan there is no elected assembly or any other kind of chamber which might elect a representative for the Constituent Assembly. It would be improper for any kind of nominated individual to speak for the whole province of Baluchistan, which he really does not represent in any way.

In Coorg the Legislative Council contains some nominated members as well as Europeans elected from a special constituency of less than a hundred electors. Only the elected members from the general constituencies should participate in the election.

The Statement of the Cabinet Delegation affirms the basic principle of provincial autonomy and residuary powers vesting in the Provinces. It is further said that Provinces should be free to form groups. Subsequently, however, it is recommended that provincial representatives will divide up into sections which 'shall proceed to settle the Provincial Constitutions for the Provinces in each section and shall also decide whether any Group Constitution shall be set up for the Provinces'. There is a marked discrepancy in these two separate provisions and it would appear that a measure of compulsion is introduced which clearly infringes the basic principle of provincial autonomy. In order to retain the recommendatory character of the Statement, and in order to make the clauses consistent with each other, the Committee read paragraph 15 to mean that, in the first instance, the respective provinces will make their choice whether or not to belong to the section in which they are placed. Thus the Constituent Assembly must be considered as a sovereign body with final authority for the purpose of drawing up a constitution and giving effect to it.

The provisions in the Statement in regard to the Indian States are vague and much has been left for future decision. The Working Committee would, however, like to make it clear that the Constituent Assembly cannot be formed of entirely disparate elements, and the manner of appointing State representatives for the Constituent Assembly must approximate, in so far as is possible, to the method adopted in the Provinces. The Committee are gravely concerned to learn that even at this present moment some state governments are attempting to crush the spirit of their people with the help of armed forces. These recent developments in the States are of great significance in the present and for the future of India, as they indicate that there is no real change of policy on the part of some of the State governments and of those who exercise paramountcy.

A Provisional National Government must have a new basis and must be a precursor of the full independence that will emerge from the Constituent Assembly. It must function in recognition of that fact, though changes in law need not be made at this stage. The Governor-General may continue as the head of that Government during the interim period, but the Government should function as a cabinet responsible to the Central Legislature. The status, powers and composition of the Provisional Government should be fully defined in order to enable the Committee to come to a decision. Major communal issues shall be decided in the manner referred to

above in order to remove any possible fear or suspicion from the minds of a minority.

The Working Committee consider that the connected problems involved in the establishment of a Provisional Government and a Constituent Assembly should be viewed together so that they may appear as parts of the same picture, and there may be co-ordination between the two, as well as an acceptance of the independence that is now recognised as India's right and due. It is only with the conviction that they are engaged in building up a free, great and independent India, that the Working Committee can approach this task and invite the co-operation of all the people of India. In the absence of a full picture, the Committee are unable to give a final opinion at this stage.

## THE CORRESPONDENCE BETWEEN MASTER TARA SINGH AND THE SECRETARY OF STATE FOR INDIA

### LETTER FROM MASTER TARA SINGH TO THE SECRETARY OF STATE DATED MAY 25

"Since the British Cabinet Mission's recommendations for the future constitution of India have been published, a wave of rejection, resentment and indignation has run throughout the Sikh community. The reasons are quite obvious.

"The Sikhs have been entirely thrown at the mercy of the Muslims. Group B comprises the Punjab, the N.-W. F. P., Sind and Baluchistan, and the representation given to each community will be Muslims 23, Hindus nine and Sikhs four. Can anybody expect from this assembly, constituted as it is, any consideration or justice for the Sikhs? The Cabinet Mission recognises 'the very genuine and acute anxiety among the Sikhs lest they should find themselves subjected to a perpetual Muslim majority rule. If the British Government are not aware of the Sikh feelings, the Sikhs will have to resort to some measures in order to convince everybody concerned of the Sikh anxiety, in case they are subjected to a perpetual Muslim domination. The Cabinet Mission has not only put under Muslim domination the non-Muslim areas of the Punjab and Bengal but the whole province of Assam where the non-Muslims are in overwhelming majority. This is evidently done to placate the Muslims. If the first consideration of the Cabinet Mission's recommendation is to give protection to the Muslims, why should the same consideration be not shown for Sikhs? But it appears that the Sikhs have been studiously debarred from having any effective influence in the province, a group or general Union. I refer to section 15 (ii) and section 19 (vii) in which it has been definitely provided that the majority of both the Hindus and Muslims is necessary for certain purposes. The Sikhs are entirely ignored, though they are as much concerned as the other communities.

"This is how I read the recommendations of the Cabinet Mission. But as the issues are very grave and momentous, the Sikh representatives, assembled here today to consider the situation created, have advised me to seek clarification from you and find out if there is any hope of such amendments as may save the Sikhs form perpetual domination.

"So I put three questions:

"(1) What is the significance of recognising the Sikhs as one of 'the main communities?"

"(2) Suppose the majority of Section B frames a constitution under section 19 (v) but the Sikh members do not agree, does it mean deadlock or does the opposition of the Sikh members mean simply disassociation?

"(3) Is there any hope of obtaining for the Sikhs the same right as is given to the Muslims and the Hindus under section 15 (ii) and 19 (vii)?"

### LETTER FROM THE SECRETARY OF STATE TO MASTER TARA SINGH, DATED JUNE 11

"Thank you for your letter of May 25.

"The anxieties of the Sikhs were kept prominently in mind when we were drafting the Cabinet Mission's statement, and I can certainly claim that of the various alternatives open to us th best one from the Sikh point of view was chosen. You will, I am sure, admit that, if India had been divided into two sovereign States, or if the Punjab had been partitioned, either of these decisions would have been far less acceptable to the Sikhs than the one which was actually reached.

"I have considered carefully the detailed points you raise at the end of your letter. I fear the Mission cannot issue any addition to, or interpretation of, the statment. There is, however, no intention whatever to prejudice the position of the Sikhs in the Punjab or in the North-West Group, nor do I think their position has been prejudiced, for, it is inconceivable that either the Constituent Assembly or any future Government. of the Punjab will overlook the special place in the province of the Sikhs. The estimate of the importance of your community would never depend on the number of seats that you held in the Constituent Assembly. The Viceroy has told me that he will be glad, in view of the anxieties you have expressed on behalf of your community, to discuss the position of the Sikhs specially with the leaders of the main parties when the Constituent Assembly has been formed. He hopes he may be able to persuade them, if persuasion is needed, that the interests of the Sikhs should on no account be overlooked.

"If you and Sardar Baldev Singh would care to see the Cabinet Mission and the Viceroy in the first week of June, we shall be glad to see you."

The Working Committee of the Congress dispersed on May 24 to meet again on June 9. The Working Committee in its resolution of May 24, had expressed inability to give their final opinion on the statement of the Cabinet Delegation unless they had before them a full picture of the National Provisional Government the Government proposed to establish at the Centre.

### THE MISSION'S REPLY (25-5-1946)

NEW DELHI, May 25

The Cabinet Delegation and the Viceroy, in a statement issued today after considering the statements issued by Mr. Jinnah and by the Congress Working Committee, say that their scheme stands as a whole and can only succeed if it is accepted and worked in a spirit of co-operation.

The Delegation say that it is agreed that the Interim Government will have a new basis, bringing about very significant changes in the Government of India and constituting a long step towards independence.

His Majesty's Government, it is added, will attach the fullest weight to these changes and will give the Indian Government the greatest possible freedom in the exercise of the day-to-day administration of India.

Referring to British troops in India, the Delegation say there is no intention to retain them in the country against the wish of an independent India under the new constitution; but during the interim period, whch it is hoped, will be short, the British Parliament has, under the present constitution, the ultimate responsibility for the security of India and it is necessary, therefore, that British troops should remain.

The following is the full text of the Statement by the Cabinet Delegation and His Excellency the Viceroy:

The Delegation have considered the statement of the President of the Muslim League dated May 22 and the resolution dated May 24 of the Working Committee of the Congress.

The position is that since the Indian leaders, after prolonged discussion, failed to arrive at an agreement, the Delegation put forward their recommendations as the nearest approach to reconciling the views of the two main parties. The scheme stands as a whole and can only succeed if it is accepted and worked in a spirit of co-operation.

The Delegation wish also to refer briefly to a few points that have been raised in the statement and the resolution.

The authority and functions of the Constituent Assembly and the procedure which it is intended to follow are clear from the Cabinet Delegation's Statement. Once the Constituent Assembly is formed and working on this basis, there is no intention of interfering with its discretion or questioning its labours, His Majesty's Government will recommend to Parliament such action as may be necessary for the cession of sovereignty to the Indian people, subject only to two matters which are mentioned in the Statement and which, we believe, are not controversial, namely, adequate provision for the protection of the minorities (paragraph 20 of the Statement and willingness to conclude a treaty with His Majesty's Government to cover matters arising out of the transfer of power (paragraph 22 of the Statement).

It is a consequence of the system of election that a few Europeans can be elected to the Constituent Assembly. Whether the right so given will be exercised is a matter for them to decide.

The representative of Baluchistan will be selected in a joint meeting of the Shahi Jirga and the non-official members of the Quetta Municipality.

In Coorg, the whole Legislative Council will have the right to vote, but the official members will receive instructions not to take part in the election.

The interpretation put by the Congress resolution on paragraph 15 of the Statement to the effect that the provinces can, in the first instance, make the choice whether or not to belong to the section in which they are placed does not accord with the Delegation's intentions. The reasons for the grouping of the provinces are well known, and this is an essential feature of the scheme and can only be modified by agreement between the parties. The right to opt out of the groups after the constitution-making has been completed will be exercised by the people themselves, since at the first election under the new provincial constitution this question of opting out will obviously be a major issue and all those entitled to vote under the new franchise will be able to take their share in a truly democratic decision.

The question of how the States' representatives should be appointed to the Constituent Assembly is clearly one which must be discussed with the States. It is not a matter for decision by the Delegation.

It is agreed that the Interim Government will have a new basis. That basis is that all portfolios including that of the War Member will be held by Indians; and that the members will be selected in consultation with the Indian political parties. These are very significant changes in the Government of India, and a long step towards independence. His Majesty's Government will recognise the effect of these changes, will attach the fullest weight to them, and will give to the Indian Government the greatest possible freedom in the exercise of the day-to-day administration of India.

As the Congress statement recognises, the present constitution, must continue during the interim period; and the Interim Government cannot therefore, be made legally responsible to the Central Legislature. There is, however, nothing to prevent the members of the Government, individually or by common consent, from resigning, if they fail to pass an important measure through the legislature, or if a vote of no-confidence is passed against them.

There is of course no intention of retaining British troops in India against the wish of an independent India under the new constitution;

but during the interim period, which it is hoped will be short, the British Parliament has, under the present constitution, the ultimate responsibility for the security of India, and it is necessary, therefore, that British troops should remain.

### GANDHIJI ON THE MISSION'S PROPOSALS (2-6-1946)

AHMEDABAD, June 2

"Intrinsically and as legally interpreted, the State paper seems to me to be a brave and frank document. Nevertheless, the official interpretation would appear to be different from the popular. If it is so and prevails, it will be a bad omen," says Mahatma Gandhi writing under the caption "Vital defects" in today's 'Harijan'.

Mahatma Gandhi adds: During the long course of the history of British rule in India the official interpretation has held sway, and it has been enforced. I have not hesitated before now to say that the office of the lawgiver, Judge and executioner is combined in one person in India. Is not the State document a departure from the Imperialistic traditions I have answered 'yes'. Be that as it may, let us try to glance its shortcomings.

The Delegation, after a brief spell in Simla returned to Delhi on the 14th instant, issued their statement on the 16th and yet we are far from the Centre. One would have thought that they would have formed the Central Government before issuing the statement. But they issued the statement first and then set about the search for the formation of the Interim Government. It is taking a long time coming, whilst the millions are starving for want of food and clothing. This is defect No. 1.

The question of Paramountcy is unsolved. It is not enough to say that Paramountcy will end with the end of British rule in India. If it persists without check during the Interim period, it will have behind a difficult legacy for the independent Government. If it cannot be ended with the establishment of the Interim Government, it should be exercised in co-operation with it and purely for the benefit of the people of the States. It is the people who want and are fighting for independence, not the Princes who are sustained by alien power even when they claim not to be its creation for the suppression of the liberties of the people. The Princes, if they are true to their professions, should welcome this popular use of Paramountcy so as to accommodate themselves to the sovereignty of the people envisaged under the new scheme. This is defect No. 2.

Troops, it is declared, are to remain during the interim period for the preservation of internal peace and protection against external aggression. If they are kept for such use during the period of grace, their presence will act as a damper on the Constituent Assembly and is more likely than not to be wanted even after the establishment of independence so-called. A nation that desires alien troops for its safety, internal or external, or has them imposed upon it, can never be described as independent in any sense of the term.

It is in effect a nation unfit for self-Government. The acid test is that it should be able to stand alone, erect and unbending. During the interim period we must learn to hop unaided, if we are to walk when we are free. We must cease from now to be so spoonfed.

That these things are not happening as we would wish, is to be accounted as our weakness whatever be the causes the cussedness of the British Government or their people. Whatever we get, will be our deserts, not a gift from across the seas. The three Ministers have come to do what they have declared. It will be time to blame them when they go back upon the British declarations and devise ways and means of perpetuating British rule. Though there is ground for fear, there is no sign on the horizon that they have said one thing and meant another.—A.P.I.

## THE CORRESPONDENCE EXCHANGED BETWEEN THE CONGRESS PRESIDENT, PANDIT JAWAHARLAL NEHRU AND THE VICEROY IN CONNECTION WITH THE ESTABLISHMENT OF AN INTERIM NATIONAL GOVERNMENT

### LETTER FROM THE CONGRESS PRESIDENT TO LORD WAVELL, DATED 25TH MAY 1946.

20, Akbar Road,
New Delhi,
May 25, 1946.

Dear Lord Wavell,

Your Excellency will remember that the demand of the Congress from the very beginning of the present discussions regarding the Interim Government has been that there must be a legal and constitutional change in order to give it the status of a truly national government. The Working Committee has felt that this is necessary in the interest of a peaceful settlement of the Indian problem. Without such status, the Interim Government would not be in a position to infuse in the Indian people a consciousness of freedom which is today essential. Both Lord Pethick-Lawrence and you have, however, pointed out the difficulties in the way of effecting such constitutional changes, while at the same time assuring us that the Interim Government would have in fact, if not in law, the status of a truly national government. The Working Committee feel that after the British Government's declaration that the Constituent Assembly will be the final authority for framing the constitution and any constitution framed by it will be binding, the recognition of Indian independence is imminent. It is inevitable that the Interim Government which is to function, during the period of the Constituent Assembly must reflect this recognition. In my last conversation with you, you stated that it was your intention to function as a constitutional head of the government and that in practice the Interim Government would have the same powers as that of a cabinet in the Dominions. This is, however, a matter which is so important that it would not be fair either to you or to the Congress Working Committee to let it rest upon what transpired in informal conversations. Even without any change in the law there could be some formal understanding by which the Congress Working Committee may be assured that the Interim Government would in practice function like a Dominion Cabinet.

The question of the responsibility of the Interim Government to the Central Assembly may also be treated in the same way. The existing law permits an executive independent of the Central Legislature but a convention could be created by which its tenure of office would depend on its enjoyment of such confidence.

The other deatils regarding the composition and magnitude of the Interim Cabinet which came up in my discussions with you would all depend upon the satisfactory solution of the two basic questions enumerated above. If the questions of status and responsibility of the Interim Government are satisfactorily solved I hope we would be able to decide other questions without any delay. As I have already written to you, the Working Committee has been adjourned and will be summoned again when occasion demands. I would request you to let me have an indication of your decision and programme, so that the Working Committee may be summoned accordingly. I am leaving for Mussorie on Monday and would request you to reply to my letter there.

Yours sincerely,
(Sd.) A. K. Azad.

H. E. Field Marshall Viscount Wavell,
The Viceroy's House,
New Delhi.

**LETTER FROM LORD WAVELL TO THE CONGRESS PRESIDENT, DATED 30TH MAY 1946.**

The Viceroy's House,
New Delhi.

My Dear Maulana Saheb,

I have received your letter of the 25th May on the Interim Government.

2. We have discussed this matter on several occasions and I recognise the importance that you and your party attach to a satisfactory definition of the powers of the Interim Government and appreciate your reasons for asking for such a definition. My difficulty is that the most liberal intentions may be almost unrecognisable when they have to be expressed in a formal document.

3. I am quite clear that I did not state to you that the Interim Government would have the same powers as a Dominion Cabinet. The whole constitutional position is entirely different. I said that I was sure that His Majesty's Government would treat the new Interim Government with the same close consultation and consideration as a Dominion Government.

4. His Majesty's Government have already said that they will give to the Indian Government the greatest possible freedom in the exercise of the day to day administration of the country; and I need hardly assure you that it is my intention faithfully to carry out this undertaking.

5. I am quite clear that the spirit in which the Government is worked will be of much greater importance than any formal document and guarantee. I have no doubt that if you are prepared to trust me, we shall be able to co-operate in a manner which will give India a sense of freedom from external control and will prepare for complete freedom as soon as the new constitution is made.

6. I sincerely hope that the Congress will accept these assurances and will have no further hesitation in going to co-operate in the immense problems which confront us.

7. In the matter of time-table you will be aware that the All-India Muslim League Council is meeting on June 5th at which we understand decisive conclusions are to be reached. I suggest, therefore, that if you summon your Working Committee to reassemble in Delhi on Friday, the 7th it may be possible for final discussions to be made by all parties on outstanding questions early in the following week.

Yours sincerely,
(Sd.) Wavell.

Maulana Abul Kalam Azad.

**LETTER FROM THE VICEROY TO MR. JINNAH, DATED 4TH JUNE, 1946.**

(This letter is published with Mr. Jinnah's agreement).

"You asked me yesterday to give you an assurance about the action that would be taken if one party accepted the scheme in the Cabinet Delegation's statement of May 16 and the other refused.

"I can give you on behalf of the Cabinet Delegation, my personal assurance that we do not propose to make any discrimination in the treatment of either party and that we shall go ahead with the plan laid down in the statement, so far as circumstances permit, if either party accepts; but we hope that both will accept.

"I should be grateful if you would see that the existence of this assurance does not become public. If it is necessary for you to tell your Working Committee that you have an assurance, I should be grateful if you would explain to them this condition."

**LETTER FROM MR. JINNAH TO THE VICEROY, DATED 12TH JUNE, 1946.**

"I am in receipt of your letter of June 12.

"I have already informed you, by my letter dated June 8, that our decision accepting the scheme embodied in the Statement of the Cabinet Dele-

gation was based on your formula of parity, as one of the most important considerations which weighed with the Working Committee and the Council of the Muslim League in finally arriving at their decision.

"I understand that the Congress have not yet given their decision, and it seems to me that until they decide it is not advisable to discuss how best either the personnel or the portfolios should be adjusted. I agree with you that the important portfolios should be equally distributed between the two major parties and we should get the best possible men suited for these portfolios. But I am of the opinion that no use or purpose would be served until the Congress have given their decision with regard to the scheme embodied in the statement of the Mission of May 16.

"If you wish to discuss anything further I shall be glad to see you alone."

**LETTER FROM LORD WAVELL TO PANDIT JAWAHARLAL NEHRU, DATED 12TH JUNE 1946.**

The Viceroy's House,
New Delhi.
12th June, 1946.

Dear Pandit Nehru,

I am anxious to have an opportunity of consulting you togehter with Mr. Jinnah as to how best I can fill the various posts in the Interim Government. Could you come to see me for this purpose at 5 p.m. today?

It is not my intention to discuss any question of principle such as "parity" or otherwise, but to concentrate upon what I know to be our common objective, that is to get the best possible Interim Government drawn from the two major parties and some of the Minorities, and to approach this decision by a consideration of what the portfolios should be and how each one can best be filled.

I am sending a similar letter to Mr. Jinnah.

Yours sincerely,
(Sd.) Wavell.

Pandit Jawaharlal Nehru.

**LETTER FROM PANDIT JAWAHARLAL NEHRU TO LORD WAVELL, DATED 12TH JUNE 1946.**

18, Hardinge Avenue,
New Delhi.
12th June, 1946.

Dear Lord Wavell,

I am sorry for the slight delay in answering your letter of today's date. Your invitation to me to see you today at 5 p.m. in order to confer with you and Mr. Jinnah about the Interim Government placed me in a somewhat difficult position. I would gladly meet you at any time, but our official spokesman in regard to such matters is naturally our President, Maulana Azad. He can speak and confer authoritatively, which I cannot do. It is, therefore, proper that he should be in charge on our behalf of any authoritative conversations that might take place. But since you have asked me to come I shall do so. I hope, however, that you will appreciate my position and that I can only talk without authority, which vests in our President and the Working Committee.

Yours sincerely,
(Sd.) J. Nehru.

His Excellency Field Marshall Viscount Wavell,
Viceroy's House, New Delhi.

The Viceroy's House,
New Delhi.
13th June 1946.

No. 592/47.

My dear Pandit Nehru,

His Excellency asks me to say that he will be glad if you will come to see him at 3-30 p.m. today or any time later that is convenient to you. The meeting will be between you and H. E.

I shall be grateful if you will let me know by telephone whether you will be able to come. My telephone number is 2919.

Yours sincerely,
(Sd.) C. W. B. Rankin.

Pandit Jawaharlal Nehru.

**LETTER FROM THE CONGRESS PRESIDENT TO LORD WAVELL DATED 13TH JUNE 1946.**

20, Akbar Road,
New Delhi,
13th June, 1946.

Dear Lord Wavell,

Thank you for your letter of the 12th June, which I have just received, inquiring after my health. I have now more or less recovered.

Pandit Jawaharlal Nehru has reported to my Committee and me the gist of the conversations between Your Excellency and him. My Committee regret that they are unable to accept your suggestions for the formation of the Provisional National Government. These tentative suggestions emphasise the principle of "Parity" to which we have been and are entirely opposed. In the composition of the cabinet suggested by you there is "parity" between the Hindus including the Scheduled Castes and the Muslim League, that is the number of Caste Hindus is actually less than the nominees of the Muslim League. The position thus is worse than it was in June 1945 at Simla where, according to your declaration then, there was to be "parity" between Caste Hindus and Muslims, leaving additional seats for the Scheduled Caste Hindus. The Muslim seats then were not reserved for the Muslim League only but could include non-League Muslims. The present proposal thus puts the Hindus in a very unfair position and at the same time eliminates the non-League Muslims. My Committee are not prepared to accept any such proposal. Indeed as we have stated repeatedly we are opposed to "parity" in any shape or form.

In addition to this "parity" we are told that there should be a convention requiring that major communal issues should be decided by separate group voting. While we have accepted this principle for long-term arrangements we did so as an effective substitute for other safeguards. In your present proposal, however, both "parity" and this convention are suggested. This would make the working of the Provisional Government almost impossible and deadlock a certainty.

As I have often pointed out to you we are strongly of opinion that the Provisional Government should consist of fifteen members. This is necessary to carry out the administration of the country efficiently as well as to give adequate representation to the smaller minorities. We are anxious that the various minorities should have scope in such a Government. The work before the Provisional Government is likely to be much heavier and more exacting. In your proposals Communications include railways, transport, posts, telegraphs and air. It is difficult for us to conceive how all these can be joined together in one portfolio. This would be highly undesirable at any time. With industrial troubles and the possibility of railway strikes this arrangement would be wholly wrong. We think also

that Planning is an essential department for the Centre. We think, therefore, that the Provisional Government must consist of fifteen members.

The suggested division of portfolios appears to us to be undesirable and unfair.

My Committee would also like to point out that a coalition Government in order to be successful must have some common outlook and programme for the time being. The manner of approach in forming such a Government has been such as to leave this out of consideration and my Committee do not feel any confidence that such a coalition can function successfully.

It was our intention to write to you about certain other matters also, but for reasons known to you our letter has been delayed. I shall write to you about these other matters later. My purpose in writing to you now is to convey to you without any delay our reactions on the tentative proposals that you put forward today.

Yours sincerely,
(Sd.) A. K. Azad.

His Excellency Field-Marshal Viscount Wavell,
Viceroy's House, New Delhi.

**LETTER FROM THE CONGRESS PRESIDENT TO LORD WAVELL, DATED 14TH JUNE, 1946.**

20, Akbar Road,
New Delhi.
14th June, 1946.

Confidential.

Dear Lord Wavell,

In the course of our talk today you mentioned that among the Muslim League nominees suggested for the Provisional Government was one from the North-West Frontier Province who had recently been defeated at the Provincial elections. This was said by you confidentially and we shall of course treat it as such. But I feel I must inform you, to avoid any possibility of misunderstanding, that any such name will be considered objectionable by us. The objection is not personal, but we feel that the name is suggested for entirely political reasons and we cannot agree to any such course.

Yours sincerely,
(Sd.) A. K. Azad.

His Excellency Field-Marshal Viscount Wavell,
Viceroy's House, New Delhi.

**LETTER FROM LORD WAVELL TO THE CONGRESS PRESIDENT, DATED 14TH JUNE, 1946**

The Viceroy's House,
New Delhi.
14th June, 1946.

No. 592/97.
Confidential.

My Dear Maulana Saheb,

This is in answer to your confidential letter of June 14th about one of the Muslim League nominees.

I am afraid that I cannot accept the right of the Congress to object to names put forward by the Muslim League, any more than I would accept similar objections from the other side. The test must be that of ability.

Yours sincerely,
(Sd.) Wavell.

Maulana Abul Kalam Azad.

## LETTER FROM THE CONGRESS PRESIDENT TO LORD WAVELL, DATED 14TH JUNE, 1946.

20, Akbar Road,
New Delhi,
14th June, 1946.

Dear Lord Wavell,

In my letter to you sent yesterday I promised to send you another letter. I am now doing so.

On May 24th the Congress Working Committee passed a resolution which I conveyed to you. In this resolution we gave our reactions to the Statement dated May 16, 1946, which the British Cabinet Delegation and you issued on behalf of the British Government. We pointed out what were in our opinion some of the omissions and defects in that Statement and we also gave our interpretation of some of its provisions. In a subsequent Statement issued by you and the Cabinet Delegation our viewpoint was not accepted.

You know, and we have repeatedly emphasised this, that our immediate objcetive has been and is the independence of India. We have to judge everything by this standard. We suggested that even though no legal change might be made at this stage, independence in practice might be recognised. This has not been agreed to.

In your letter dated May 30, 1946, addressed to me, you explained what in your view the status and powers of the Interim Government would be. This too falls short of what we aim at. Yet the friendly tone of your letter and our desire to find some way out led us to accept your assurance in these matters. We came to the conclusion also that, unsatisfactory as were many of the provisions of your Statement of May 16th, we would try to work them according to our own interpretation and with a view to achieve our objective.

You are no doubt aware of the strong feeling of resentment which exists among large sections of the people against some of the proposals in the Statement, notably the idea of grouping. The Frontier Province and Assam have expressed themselves with considerable force against any compulsory grouping. The Sikhs have felt hurt and isolated by these proposals and are considerably agitated. Being a minority in the Punjab, they become still more helpless, as far as numbers go, in Section 'B'. We appreciated all these objections especially as we ourselves shared them. Nevertheless we hoped that according to our interpretation of the clauses relating to grouping, which we still hold is the correct interpretation, for any other interpretation would endanger the basic principle of provincial autonomy, we might be able to get over some of the obvious difficulties.

But two insuperable obstacles remained and we had hoped that you would be able to remove them. One of these related to the part that European members of the Provincial Assemblies might play in the election to the Constituent Assembly. We have no objection to Englishmen or Europeans as such, but we do have a strong objection to persons, who are foreigners and non-nationals and who claim to belong to the ruling race, participating in, and influencing the elections to, the Constituent Assembly. The Cabinet Delegation's Statement lays down clearly that the future constitution of India has to be decided by Indians. The basic principle of the Statement of May 16th was the election of a member of the Constituent Assembly to represent one million inhabitants. On this basis, the representatives of 146,000 Muslims in Orissa and 180,000 Hindus and 58,000 Sikhs in the North-West Frontier Province have not been given the right to elect any member to the Constituent Assembly. The European population of Bengal and Assam numbers only 21,000, but their representatives can return to the Constituent Assembly by their own vote 7 out of 34 members, thus appropriating to themselves the right to represent 7 millions. They are returned to the Provincial Assemblies by a separate electorate of their own and have been given fantastic weightage. This representation

of Europeans in the Constituent Assembly will be at the cost of non-Muslims, that is mainly Hindus, who are already in a minority in Bengal. To make a minority suffer in this way is surely utterly wrong. Apart from the question of principle, it is a matter of the utmost importance in practice and may well affect the future both of Bengal and Assam. The Congress Working Committee attach the greatest importance to this. We would like to add that even if the Europeans themselves do not stand for election, but merely vote, the results will be equally bad. The Cabinet Delegation have informed us that beyond promising to us their persuasive powers they could not hold out any assurance to us that these European members would not exercise the right which, we are advised, they do not possess under the Statement of May 16th. But if the Delegation hold otherwise, as evidently they do, we cannot contemplate a legal fight for their exclusion at the threshold of the Constituent Assembly. Therefore, a clear announcement is necessary that they will not take part as voters or candidates in the election to the Constituent Assembly. We cannot depend on grace or goodwill where rights are concerned.

Equally important, in our view, is the question of "parity" in the proposed Provisional National Government. I have already written to you on this subject. This "parity", or by whatever other name it may be called, has been opposed by us throughout and we consider it a dangerous innovation which, instead of working for harmony, will be a source of continuous conflict and trouble. It may well poison our future as other separatist steps in the past have poisoned our public life. We are told that this is a temporary provision and need not be treated as a precedent, but no such assurance can prevent an evil step from having evil consequences. We are convinced that even the immediate results of any such provision will be harmful.

If the position about the European vote and "parity" remains, my Committee are reluctantly compelled to inform you that they will not be able to assist you in the difficult tasks ahead.

The talk we had with you today has not made any substantial difference to the fundamental position. We have noted that, according to your new suggsetions, the proposed woman member might be replaced by a Hindu, thus increasing the Hindu members including Scheduled Caste representatives to six. We would be sorry not to have a woman member, but apart from this, the new proposal maintains the old Simla (1945) formula of parity between Caste Hindus and Muslims, with this important qualification that now Muslims are supposed to mean members of the Muslim League. We are unable to agree to this proposal and we are still convinced that the Provisional Government must consist of 15 members and that there should be no kind of parity in their selection.

Yours sincerely,
(Sd.) A. K. Azad.

His Excellency, Field-Marshall Viscount Wavell,
The Viceroy's House, New Delhi.

**LETTER FROM LORD WAVELL TO THE CONGRESS PRESIDENT, DATED 15TH JUNE, 1946**

The Viceroy's House,
New Delhi.
15th June, 1946.

No. 592/47.

My Dear Maulana Sahib,

I have received your letter of June 14. I will reply to it in detail in the course of today.

Meanwhile I must assume from the last paragraph of your letter that my attempt to negotiate an agreement between the two major Parties on

the composition of the Interim Government has failed. The Cabinet Delegation and I have therefore decided to issue tomorrow a Statement on the action we propose to take; and we will let you have a copy of this before publication.

Yours sincerely,
(Sd.) Wavell.

Maulana Abul Kalam Azad.

**LETTER FROM LORD WAVELL TO THE CONGRESS PRESIDENT, DATED 15TH JUNE, 1946**

The Viceroy's House,
New Delhi,
15th June, 1946.

No. 592/47.

My Dear Maulana Sahib,

I have received your letter of 14th June. You deal with matters on which we have already had much discussion.

2. We are doing everything possible to further the Independence of India. As we have already pointed out, however, there must first be a new constitution drawn up by the people of India.

3. The Delegation and I are aware of your objections to the principle of grouping. I would, however, point out that the Statement of 16th May does not make grouping compulsory. It leaves the decision to the elected representatives of the Provinces concerned sitting together in Sections. The only provision which is made is that the representatives of certain Provinces should meet in Sections so that they can decide whether or not they wish to form Groups. Even when this has been done the individual Provinces are still to have the liberty to opt out of the Group if they so decide.

4. I recognise the difficulty about the Europeans who through no fault of their own find themselves in a difficult position. I still hope that a satisfactory solution of this problem will be found.

5. Our discussions in regard to the Interim Government have been on the basis of political parties and not communities. I understand that this is regarded as preferable now, as it was at the first Simla Conference. In the proposed Interim Government of myself and 13 others, there will be six Congressmen and 5 Muslim Leaguers. I do not see how this can be called parity. Nor is there parity between Hindus and Muslims, there being six Hindus to five Muslims.

6. Even at this last moment, I still hope that the Congress will now accept the Statement and consent to join the Interim Government.

Yours sincerely.
(Sd.) Wavell.

Maulana Abul Kalam Azad.

**LETTER FROM THE CONGRESS PRESIDENT TO LORD WAVELL, DATED 16TH JUNE, 1946.**

20, Akbar Road,
New Delhi.
16th June, 1946.

Dear Lord Wavell,

I have received your two letters of June 15th.

I note what you say about grouping. We abide by our interpretation of it.

As regards Europeans, we are clear that even on a legal interpretation of the Statement of May 16th, apart from other considerations they

have not the right to participate in the elections to the Constituent Assembly. I am glad you expect a satisfactory solution of this problem.

We have endeavoured in our letter and in the course of our talks to state clearly what our position is in regard to any kind of parity. You will remember that parity was mentioned and considered at the first Simla Conference. That parity was exactly the same as is now suggested by you, that is, parity between Caste Hindus and Muslims. Owing to the stress of war and other conditions then existing, we were prepared to accept this only for that occasion. It was not to be used as a precedent. Moreover, this was subject to the inclusion of at least one Nationalist Muslim. Now conditions have entirely changed and we have to consider the question in another context, that of approaching independence and Constituent Assembly. As we have written to you, in this context and in present circumstances we consider this kind of parity unfair and likely to lead to difficulties. The whole scheme proposed by you in the Statement of May 16th is based on absence of weightage. And yet, in the proposed Provisional Government, there is this weightage, in addition to other far-reaching communal safeguards.

We have tried our utmost to arrive at a satisfactory settlement and we shall not despair of it. But such a settlement, in order to be enduring, must be based on strong foundations. So far as the Statement of May 16th is concerned our main difficulty, as we wrote to you, was the European vote. If this matter is settled, as now appears likely, then this difficulty also goes.

The second and remaining difficulty relates to the proposals for the Provisional Government which have to be considered together with the Statement. The two cannot be separated. These proposals have thus far been unacceptable to us, but if a satisfactory settlement in regard to them is arrived at, we would be in a position to shoulder the burden.

Yours sincerely,

(Sd.) A. K. Azad.

His Excellency, Field-Marshall Viscount Wavell,

The Viceroy's House, New Delhi.

This correspondence reveals the proposals the Viceroy made from time to time for securing the participation of the Congress in the Interim National Government. The Congress Working Committee rejected these proposals. They were manifestly unfair and unjust to the Congress as also to smaller minorities.

The effort to bring about an agreed basis for the formation of an Interim Government having failed, the Viceroy and the Cabinet Delegation issued a Statement on June 16 in which they set forth their proposal for the establishment of an Interim Government.

The Full text of this statement is as follows:

**STATEMENT BY CABINET DELEGATION AND HIS EXCELLENCY THE VICEROY, 16th June, 1946.**

1. His Excellency the Viceroy, in consultation with the members of the Cabinet Mission, has for some time been exploring the possibilities of forming a coalition Government drawn from the two major parties and certain of the minorities. The discussions have revealed the difficulties which exist for the two major parties in arriving at any agreed basis for the formation of such a Government.

2. The Viceroy and the Cabinet Mission appreciate these difficulties and the efforts which the two parties have made to meet them. They consider, however, that no useful purpose can be served by further prolonging these discussions. It is indeed urgently necessary that a strong and representative Interim Government should be set up to conduct the very heavy and important business that has to be carried through.

3. The Viceroy is therefore issuing invitations to the following to serve as members of the Interim Government on the basis that the constitution-making will proceed in accordance with the Statement of May 16th:

| | |
|---|---|
| Sardar Baldev Singh | Dr. Rajendra Prasad |
| Sir N. P. Engineer | Mr. H. K Mahtab |
| Mr. Jagjivan Ram | Dr. John Matthai |
| Pandit Jawaharlal Nehru | Nawab Mohammad Ismail Khan |
| Mr. M. A. Jinnah | Khwaja Sir Nazimuddin |
| Nawabzada Liaquat Ali Khan | Sardar Abdur Rab Nishtar |
| Mr. C. Rajagopalachari | Sardar Vallabhbhai Patel |

If any of those invited is unable for personal reasons to accept, the Viceroy will, after consultation, invite some other person in his place.

4. The Viceroy will arrange the distribution of portfolios in consultation with the leaders of the two major parties.

5. The above composition of the Interim Government is in no way to be taken as a precedent for the solution of any other communal question. It is an expedient put forward to solve the present difficulty only, and to obtain the best available coalition Government.

6. The Viceroy and the Cabinet Mission believe that Indians of all communities desire to arrive at a speedy settlement of this matter so that the process of constitution-making can go forward and that the Government of India may be carried on as efficiently as possible in the meantime.

7. They therefore hope that all parties especially the two major parties will accept this proposal so as to overcome the present obstacles, and will co-operate for the successful carrying on of the Interim Government. Should this proposal be accepted, the Viceroy will aim at inaugurating the new Government about the 26th June.

8. In the event of the two major parties or either of them proving unwilling to join the setting up of a coalition Government on the above lines, it is the intention of the Viceroy to proceed with the formation of an Interim Government which will be as representative as possible of those willing to accept the Statement of May 16th.

9. The Viceroy is also directing the Governors of the Provinces to summon the Provincial Legislative Assemblies forthwith to proceed with the elections necessary for the setting up of the constitution-making machinery as put forward in the Statement of May 16th.

The Viceroy sent an advance copy of this statement to the Congress President with the following covering letter:

The Viceroy's House,
New Delhi.
16th June, 1946.

No. 592/47.

Dear Maulana Sahib,

I send herewith a copy of the statement which, as indicated in the letter I sent you yesterday, will be released at 4 p.m. this evening.

As the Statement shows, the Cabinet Ministers and I are fully aware of the difficulties that have prevented an agreement on the composition of the Interim Government. We are unwilling to abandon our hope of a working partnership between the two major parties and representatives of the minorities. We have therefore done our best to arrive at a practicable agreement taking into consideration the various conflicting claims and the need for obtaining a Government of capable and representative administrators. We hope that the parties will now take their share in the administration of the country on the basis set out in your new Statement. We are sure we can rely on you and your Working Committee to

look to the wider issues and to the urgent needs of the country as a whole, and to consider this proposal in a spirit of accommodation.

Yours sincerely
(Sd.)/- Wavell.

Maulana Abul Kalam Azad.

The Working Committee carefully considered this statement of June 16. They appreciated the voluntary character of the statement but the concrete proposal for the formation of the interim government suffered from serious and vital defects. The Committee made an effort to see if those defects could be remedied and a way opened for Congress participation in the Interim Government. The correspondence between the Congress President and the Viceroy in connection with the Statement of June 16 is given below.

**LETTER FROM THE CONGRESS PRESIDENT TO LORD WAVELL, DATED 18TH JUNE, 1946.**

20 Akbar Road,
New Delhi,
18th June, 1946.

Dear Lord Wavell,

I promised to write to you this evening in case my Committee had come to any decisions. The Committee met this afternoon and sat for many hours. In the absence of our colleague Khan Abdul Gaffar Khan, who is due to arrive tomorrow morning, we decided to adjourn till tomorrow. I am therefore not in a position this evening to convey to you any decision. I shall communicate with you as soon as my Committee arrives at any conclusions.

Yours sincerely
(Sd.)/- A. K. Azad.

His Excellency,
Field Marshall Viscount Wavell,
The Viceroy's House, New Delhi.

**LETTER FROM MR. JINNAH TO THE VICEROY, DATED 18TH JUNE, 1946**

"In the course of my interview with you this evening you informed me that the Congress proposed to substitute Dr. Zakir Hussain for one of the caste Hindus invited by you to join the Interim Government, although you expressed the hope that they would not do so. I told you that the reaction of Muslim India would be deadly against such a substitution and the Muslim League would never accept the nomination of any Muslim by you other than a Muslim Leaguer. I placed the matter before my Working Committee, and it has unanimously endorsed this view and considers it vital and fundamental."

**LETTER FROM MR. JINNAH TO THE VICEROY, DATED 21ST JUNE, 1946**
(This was in reply to the Viceroy's inquiry whether he could give a copy of the letter to the Congress President.)

"I thank you for your letter of June 20, 1946.

"With regard to paragraph two of your letter, I regret I am unable to agree with the view that you take. (This refers to the Viceroy's interpretation of the basis of approach to the Interim Government).

"As regards your request whether you should send copies of the questions 4 (a) and 4 (b) in my letter, and paragraphs 4 and 5 of your letter under reply to the President of the Congress, I have no objection, if you think it proper to do so."

**LETTER FROM LORD WAVELL TO THE CONGRESS PRESIDENT, DATED 20TH JUNE, 1946.**

The Viceroy's House,
New Delhi,
20th June, 1946.

Dear Maulana Sahib,

You will, I am sure, appreciate that the members of the Cabinet Mission have a great deal of urgent work awaiting them in England and are not in a position to prolong their stay in this country indefinitely. I would therefore ask your Working Committee to let us have a final answer as soon as possible to the proposals made in our statement of June 16th.

I understand that you have summoned back the members of the Committee who had left Delhi and in these circumstances we would ask you to let us have your answer not later than Sunday next June 23rd.

Yours sincerely,
(Sd.)/- Wavell.

**LETTER FROM THE CONGRESS PRESIDENT TO LORD WAVELL, DATED 21ST JUNE, 1946.**

20 Akbar Road,
New Delhi,
21st June, 1946.

Dear Lord Wavell,

I have Your Excellency's letter of 20th June, 1946.

I appreciate your anxiety to come to an early decision regarding the formation of an Interim Government and I can assure you that my Working Committee fully share your anxiety. A new difficulty, in addition to the old ones, has however been created by the publication in the press of the alleged contents of Mr. Jinnah's letter to you in which he raises objection to the Congress nominations in the Interim Cabinet. It will be of great assistance to the Working Committee in coming to a decision if they could have copies of these alleged letters and your reply thereto as they deal with vital matters which we have to consider.

Yours sincerely,
(Sd.)/- A. K. Azad.

His Excellency,
Field Marshall Viscount Wavell,
The Viceroy's House, New Delhi.

The Viceroy's House,
New Delhi,
21st June 1946.

My dear Maulana Sahib,

I send you herewith a copy of the instructions sent to Governors about the elections to the Constituent Assembly. These instructions are for transmission to the Speakers of the Legislative Assemblies and H. E. hopes care will be taken that they are not published before the Speakers announce them.

Yours sincerely,
(Sd.)/- G. E. B. Abell

Maulana Abul Kalam Azad.

## THE CABINET DELEGATION AND H. E. THE VICEROY SUGGEST THE FOLLOWING PROCEDURE FOR ELECTION OF REPRESENTATIVES MENTIONED IN PARAGRAPH 19(1) OF THEIR STATEMENT, DATED 16TH MAY, 1946.

(1) The Governor of each Province shall summon the Provincial Legislative Assembly to meet on.....at such place as he thinks fit for the purposes of the election. Along with the summons there shall be sent to each member of the Assembly a copy of the Statement and of these instructions.

(2) Any person is eligible for election, provided (a) that he is duly nominated by a member of the Provincial Legislative Assembly and seconded by another member, and (b) that the nomination is accompanied by declaration that he has not been proposed for candidature to represent any other Province and that he is willing to serve as representative of the Province for the purposes of paragraph 19 of the Statement.

(3) A person shall not be eligible for election to a seat assigned, to Muslims or Sikhs in any province who is not a Muslim or a Sikh, respectively. No Muslim, and in the Punjab no Muslim or Sikh, shall be eligible for election to a General Seat.

(4) All nominations shall be submitted to the Secretary of the Provincial Assembly on or before.....

(5) The Secretary shall scrutinise the nominations on or before .....and shall reject all nominations not accompanied by the requisite declaration.

(6) It shall be open to any candidate to withdraw his candidature on or before.....

(7) On....., when the Provincial Legislative Assembly meets, the Governor shall send the Assembly a message communicating the Viceroy's request under paragraph 21 of the Statement and thereupon the Assembly shall proceed to elect its representatives by proportional representation with the single transferable vote each part of the Assembly (General, Muslim or Sikh) electing its own representatives.

(8) As soon as may be, after the election has been completed, the Governor shall cause the names of the candidates declared elected to be published in the official gazette and the persons whose names are so published shall be the representatives of the Province for the purposes of paragraph 19 of the Statement.

2. You will observe that the dates for submission of nomination, their scrutiny, for withdrawal of candidates and holding session of Assembly for election have been left blank. The intention is that the elections in all Provinces should be completed by July 15th. On the basis that declaration of results is to be on July 15th following time-table is suggested:—

| | |
|---|---|
| Issue or Summons | June 15th |
| Last date for receipt of nominations | June 20th |
| Scrutiny of nominations | July 2nd |
| Withdrawal of nominations | July 4th |
| Holding of elections | July 10th |
| Declaration of results | July 15th |

This outline programme is subject to variation to suit conditions of particular Provinces.

3. The above is at present only for information of Governors. When Viceroy wishes the electoral procedure to begin he will send a message by telegram to all Governors. This he does not propose to do just yet since party reactions are not known.

N.B.—The dates have subsequently been postponed. July 8th has been suggested as the first day for nominations.

**LETTER FROM LORD WAVELL TO THE CONGRESS PRESIDENT, DATED 21ST JUNE, 1946.**

The Viceroy's House,
New Delhi,
21st June, 1946.

No. 592/47.

Dear Maulana Azad,

Thank you for your letter of today. Mr. Jinhah in his letter to me of the 19th June, put to me the following questions:

"(1) Whether the proposals contained in the Statement for setting up of an Interim Government are now final or whether they are still open to any further change or modification at the instance of any of the parties or persons concerned;

(2) Whether the total number of 14 members of the Government as proposed in the statement would remain unchanged during the interim period;

(3) If any person or persons invited as representatives of the four minorities viz., the Scheduled Castes, the Sikhs, the Indian Christians and the Parsis, is, or are, unable to accept the invitation to join the Interim Government for personal or other reasons, how will the vacancy or vacancies thus created be filled by the Viceroy; and whether in filling up the vacancy or vacancies the leader of the Muslim League will be consulted and his consent obtained;

(4) (a) Whether during the interim period for which the coalition government is being set up the proportion of members of the Government, community-wise, as provided in the proposals, will be maintained;

(b) Whether the present representation given to four minorities, viz., the Scheduled Caste, the Sikhs, the Indian Christians, and the Parsis, will be adhered to without any change or modification; and

(5) In view of the substitution of 14 now proposed for the original 12, and the change made in the original formula, whether there will be a provision, in order to safeguard Muslim interests, that the Executive Council shall not take any decision on any major communal issue if the majority of the Muslim members are opposed to it."

2. The operative part of my reply dated the 20th June was as follows:

"The intention in the Statement of June 16 was that the discussion of portfolios with leaders of the two main parties should follow the acceptance by both parties of the scheme. This intention still holds, since until the names are known, it is difficult to decide on the distribution of portfolios.

On the points which you desire to be made clear in connection with the Government to be formed under our Statement of June 16, I give you the following reply after consultation with the Delegation:

(1) Until I have received acceptance from those invited to take office in the Interim Government, the names in the Statement cannot be regarded as final. But no change in principle will be made in the Statement without the consent of the two major parties.

(2) No change in the number of 14 members of the Interim Government will be made without the agreement of the two major parties.

(3) If any vacancy occurs among the seats at present allotted to representatives of minorities, I shall naturally consult both the main parties before filling it.

(4) (a) and (b). The proportion of members by communities will not be changed without the agreement of the two major parties.

(5) No decision on a major communal issue could be taken by the Interim Government if the majority of either of the main parties were opposed to it. I pointed this out to the Congress President and he agreed that the Congress appreciated this point."

Yours sincerely,
(Sd.)/- Wavell.

Maulana Abul Kalam Azad.

**LETTER FROM LORD WAVELL TO THE CONGRESS PRESIDENT, DATED 22ND JUNE, 1946.**

The Viceroy's House,
New Delhi,
22nd June, 1946.

My dear Maulana Sahib,

I understand from Press reports that there is a strong feeling in Congress circles that the Party should insist on their right to include a Muslim of their choice among the representatives of the Congress in the Interim Government.

For reasons of which you are already aware it is not possible for the Cabinet Mission or myself to accept this request, but I would draw your attention to paragraph 5 of the Statement of the 16th June, which reads as follows:

"The above composition of the Interim Government is in no way to be taken as a precedent for the solution of any other communal question. It is an expedient put forward to solve the present difficuty only, and to obtain the best available coalition Government."

In the light of this assurance that no precedent is established we appeal to the Congress not to press their demand, but to take part in the strong Interim Government which the country so urgently needs.

Yours sincerely,
(Sd.)/- Wavell.

Maulana Abul Kalam Azad.

**LETTER FROM THE CONGRESS PRESIDENT TO LORD WAVELL, DATED 24TH JUNE, 1946.**

20 Akbar Road,
New Delhi,
24th June 1946.

Dear Lord Wavell,

I have just received the telephone message sent on your behalf asking me to communicate immediately the decision of the Congress Working Committee in regard to the proposals for the Provisional Government. The decision was in fact taken yesterday but we felt that it would be better if we wrote to you fully on all aspects of the proposals made by you and the Cabinet Delegation. The Working Committee have been sitting almost continuously and will be meeting at 2 p.m. again today. After full consideration and deliberation they have been reluctantly obliged to decide against the acceptance of the Interim Government proposals as framed by you. A detailed and reasoned reply will follow later.

Yours sincerely.
(Sd.)/- A. K. Azad.

His Excellency,
Field Marshall Viscount Wavell,
The Viceroy's House, New Delhi.

## LETTER FROM THE CONGRESS PRESIDENT TO LORD WAVELL, DATED 25TH JUNE, 1946.

20 Akbar Road,
New Delhi,
25th June, 1946.

Dear Lord Wavell,

Ever since the receipt of your Statement of June 16th, my Committee have been considering it from day to day and have given long and anxious thought to your proposals and to the invitations you have issued to individuals to form the provisional National Government. Because of our desire to find some way out of the present most unsatisfactory situation, we have tried our utmost to appreciate your approach and viewpoint. In the course of our conversations we have already pointed out to you our difficulties. Unfortunately these difficulties have been increased by the recent correspondence.

The Congress, as you are aware, is a national organization including in its fold the members of all religions and communities in India. For more than half a century it has laboured for the freedom of India and for equal rights for all Indians. The link that has brought all these various groups and communities together within the fold of the Congress is the passionate desire for national independence, economic advance and social equality. It is from this point of view that we have to judge every proposal. We hoped that a Provisional National Government would be formed which would give effect in practice to this independence. Appreciating some of your difficulties, we did not press for any statutory change introducing independence immediately, but we did expect a *de facto* change in the character of the Government making for independence in action. The status and powers of the Provisional Government were thus important. In our view this was going to be something entirely different from the Viceroy's Executive Council. It was to represent a new outlook, new methods of work and a new psychological approach by India to both domestic and external problems. Your letter dated 30th May, 1946 gave us certain assurances about the status and powers of the Provincial Government. These did not go far enough, according to our thinking but we appreciated the friendly tone of that letter and decided to accept the assurances and not to press this particular matter any further.

The important question of the composition of the Provisional Government remained. In this connection we emphasised that we could not accept anything in the nature of "parity" even as a temporary expedient and pointed out that the Provisional Government should consist of fifteen members to enable the administration of the country to be carried on efficiently and the smaller minorities to be represented in it. Some mention of names was made and on our part suggestions were put before you informally, including the name of a non-League Muslim.

In your Statement of June 16th some of the names suggested came as a surprise to us. Several changes had been made from the provisional list prepared by the Congress. The manner of preparing your list and presenting it as an accomplished fact seemed to us to indicate a wrong approach to the problem. One of the names included had not been previously mentioned at all and was that of a person holding an official position and not known to be associated with any public activity. We have no personal objection to him, but we think that the inclusion of such a name particularly without any previous reference or consultation, was undesirable and indicated a wrong approach to the problem.

Then again a name from our list was excluded and in his place another of our colleagues was put in, but as you have said that this can be rectified, I need not say more about it.

One outstanding feature of this list was the non-inclusion of any Nationalist Muslim. We felt that this was a grave omission. We wanted to suggest the name of a Muslim to take the place of one of the Congress names on the list. We felt that no one could possibly object to our chang-

ing the name of one of our own men. Indeed when I had drawn your attention to the fact that among the Muslim League nominees was included the name of a person, who had actually lost in the recent elections in the Frontier Province and whose name we felt had been placed there for political reasons, you wrote to me as follows: "I am afraid that I cannot accept the right of the Congress to object to names put forward by the Muslim League, any more than I would accept similar objections from the other side. The test must be that of ability." But before we could make our suggestion I received your letter of the 22nd June which surprised us greatly. You had written this letter on the basis of some press reports. You told us that the Cabinet Mission and you were not prepared to accept a request for the inclusion of a Muslim chosen by the Congress among the representatives of the Congress in the Interim Government. This seemed to us an extraordinary decision. It was in direct opposition to your own statement quoted above. It meant that the Congress could not freely choose even its own nominees. The fact that this was not to be taken as a precedent made hardly any difference. Even a temporary departure from such a vital principle could not be accepted by us at any time or place and in any circumstances.

In your letter of the 21st June you gave certain questions framed by Mr. Jinnah in his letter dated 19th June and your replies to them. We have not seen Mr. Jinnah's letter. In question 3 reference is made to "representation of the four minorities viz., the Scheduled Castes, the Sikhs, the Indian Christians and the Parsees", and it is asked as to "who will fill in vacancies caused in these groups, and whether in filling up the vacancies the Leader of the Muslim League will be consulted and his consent obtained."

In your answer you say: "If any vacancy occurs among the seats at present allotted to representatives of the minorities, I shall naturally consult both the main parties before filling it." Mr. Jinnah has thus included the Scheduled Castes among the minorities and presumably you have agreed with this view. So far as we are concerned we repudiate this view and consider the Scheduled Castes as integral part of Hindu society. You also, in your letter of June 15th, treated the Scheduled Castes as Hindus. You pointed out that in your proposal there was no "parity" either between Hindus and Muslims or between the Congress and the Muslim League inasmuch as there were to be six Hindus belonging to the Congress, as against five Muslims belonging to the League—one of the six Hindus belonging to the Scheduled Castes. We are in any case not agreeable to the Leader of a party, which claims to represent a community which is a minority, interfering with the selection of names from either the Scheduled Castes, whose representation you counted as falling within the Congress quota, or with the selection of representatives of the minorities mentioned.

In question 4 the Scheduled Castes are again referred to as a minority and it is asked whether the proportion of members of the Government community-wise as provided in the proposals will be maintained. Your answer is that the proportion will not be changed without agreement of the two major parties. Here again one communal group functioning admittedly as such is given a power to veto changes in other groups with which it has no concern. We may desire, if opportunity offers itself, to increase the representation of the Scheduled Castes, or to give representation, when it is possible, to another minority, for example the Anglo-Indians. All this would depend on the consent of the Muslim League. We cannot agree to this. We may add that your answers restrict the Congress representation to Caste Hindus and make it equal to that of the League.

Finally you state in answer to question 5 that "no decision of a major communal issue could be taken by the Interim Government if the majority of either of the main parties were opposed to it. You further say that you had pointed this out to the Congress President and he had agreed that the Congress appreciated this point. In this connection I desire to point out that we had accepted this principle for the long-term

arrangement in the Union Legislature and it could possibly be applied to the Provisional Government if it was responsible to the Legislature and was composed of representatives on the population basis of major communities. It could not be applied to the Provisional Government formed on a different basis altogether. It was pointed out by us in my letter of the 13th June 1946 that it would make administration impossible and deadlocks a certainty. Even in the question as framed by Mr. Jinnah it is stated that "in view of the substitution of 14 now proposed for the original 12" no major communal issues should be decided if the majoirty of the Muslim members are opposed to it. Thus this question arose after the substitution of 14 for 12, i.e., after your Statement of June 16th. In this Statement no mention is made of this rule. This very important change has been introduced, almost casually and certainly without our consent. This again gives the power of veto or obstruction to the Muslim League in the Provisional Government.

We have stated above our objections to your proposals of June 16th as well as to your answers to the questions framed by Mr. Jinnah. These defects are grave and would render the working of the Provisional Government difficult and deadlocks a certainty. In the circumstances your proposals cannot fulfil the immediate requirements of the situation or further the cause we hold dear.

My Committee have, therefore, reluctantly come to the conclusion that they are unable to assist you in forming a Provisional Government as proposed in your Statement of June 16th, 1946.

With regard to the proposals made in the Statement of May 16th, 1946 relating to the formation and functioning of the constitution-making body, the Working Committee of the Congress passed a resolution on the 24th May, 1946, and conversations and correspondence have taken place between Your Excellency and the Cabinet Mission on the one side and myself and some of my colleagues on the other. In these we have pointed out what in our opinion were the defects in the proposals. We also gave our interpretation of some of the provisions of the Statement. While adhering to our views, we accept your proposals and are prepared to work them with a view to achieve our objective. We would add, however, that the successful working of the Constituent Assembly will largely depend on the formation of a satisfactory Provisional Government.

Yours sincerely,
(Sd.)/- A. K. Azad.

His Excellency,
Field Marshall Viscount Wavell,
The Viceroy's House, New Delhi.

**LETTER FROM THE VICEROY TO MAULANA AZAD, DATED 27TH JUNE**

"I write to acknowledge receipt of your letter of June 25.

"The Cabinet Delegation and I very much regret that the Congress Working Committee have not been able to accept the proposals in the Statement of June 16, since, if they had done so, it would have been possible to complete the work to which we and the Indian political leaders have devoted ourselves during the last three months. We are sorry if there was a misunderstanding about the treatment of major communal issues in the Interim Government. We certainly thought that you had accepted it as a self-evident proposition, as indeed it is, that in a Coalition Government it would not be possible to force through issues of this kind in the face of the opposition of either of the main parties.

"The Delegation and I are, however, glad to learn from the last paragraph of your letter that the Congress Working Committee accept, and are prepared to work, the proposals for framing a constitution for India which were put forward in the Delegation's statement of May 16. You say that you adhere to the views and the interpretation of that statement which were set out in the Congress Working Committee's resolution of

May 24 and in correspondence and interviews with ourselves. At our interview yesterday we drew your attention to paragraph 8 of our statement of May 25. We emphasised that the procedure for dividing up into sections can only be altered by a resolution of the Constituent Assembly passed by a majority 19 (vii) of the statement of May 16.

"We also informed you that in view of the inability of the Congress to co-operate in the Interim Government proposed in our Statement of June 16, a situation had arisen in which paragraph 8 of that Statement took effect. Accordingly I shall shortly make a further attempt to form an Interim Government as representative as possible of the two main parties. I have, however, decided that, as the negotiations have already been protracted and as we have only recently failed to reach agreement it would be desirable to have a short interval before the matter is taken up again, and have therefore decided to form a Caretaker Government of officials to carry on the administration temporarily."

**THE FINAL RESOLUTION PASSED BY THE CONGRESS WORKING COMMITTEE ON THE STATEMENTS OF MAY 16 AND JUNE 16 ISSUED BY THE CABINET DELEGATION AND THE VICEROY IS AS FOLLOWS:**

"On May 24th the Working Committee passed a resolution on the Statement dated May 16, issued by the British Cabinet Delegation and the Viceroy. In this resolution they pointed out some defects in the Statement and gave their own interpretation of certain parts of it.

Since then the Committee have been continuously engaged in giving earnest consideration to the proposals made on behalf of the British Government in the Statements of May 16 and June 16 and have considered the correspondence in regard to them between the Congress President and the membrs of the Cabinet Delegation and the Viceroy.

The Committee have examined both these sets of proposals from the point of view of the Congress objective of immediate independence and the opening out of the avenues leading to the rapid advance of the masses, economically and socially, so that their material standards may be raised and poverty, malnutrition, famine and the lack of the necessaries of life may be ended. and all the people of the country may have the freedom and opportunity to grow and develop according to their genius. These proposals fall short of these objectives. Yet the Committee considered them earnestly in all their aspects because of their desire to find some way for the peaceful settlement of India's problem and the ending of the conflict between India and England.

The kind of independence Congress has aimed at is the establishment of a united, democratic Indian Federation, with a central authority, which would command respect from the nations of the world, maximum provincial autonomy, and equal rights for all men and women in the country. The limitation of the central authority as contained in the proposals, as well as the system of grouping of provinces, weakened the whole structure and was unfair to some provinces such as the N.W.F. Province and Assam and to some of the minorities, notably the Sikhs. The Committee disapproved of this. They felt however, that taking the proposals as a whole, there was sufficient scope for enlarging and strengthening the central authority and for fully ensuring the right of a province to act according to its choice in regard to grouping, and to give protection to such minorities as might otherwise be placed at a disadvantage. Certain other objections were also raised on their behalf, notably the possibility of non-nationals taking any part in the constitution-making. It is clear that it would be a breach of both the letter and spirit of the Statement of May 16 if any non-Indian participated in voting or standing for election of the Contsituent Assembly.

In the proposals for an Interim Government contained in the Statement of June 16 the defects related to matters of vital concern to the Congress. Some of these have been pointed out in the letter dated June 25 of the Congress President to the Viceroy. The Provisional Government must have power and authority and responsibility and should function

in fact, if not in law, as a de facto independent government leading to the full independence to come. The members of such a government can only hold themselves responsible to the people and not to any external authority. In the formation of a Provisional or other government Congressmen can never give up the national character of the Congress, or accept an artificial and unjust parity, or agree to the veto of a communal group. The Committee are unable to accept the proposals for the formation of an Interim Government as contained in the Statement of June 16.

The Committee have, however, decided that the Congress should join the proposed Constituent Assembly, with a view to framing the constitution of a free, united and democratic India.

While the Committee have agreed to Congress participation in the Constituent Assembly, it is in their opinion essential that a representative and responsible Provisional National Government be formed at the earliest possible date. A continuation of authoritarian and unrepresentative government can only add to the suffering of famishing masses and increase discontent. It will also put in jeopardy the work of the Constituent Assembly, which can only function in a free environment.

The Working Committee recommend accordingly to the All-India Congress Committee, and for the purpose of considering and ratifying this recommendation they convene an emergent meeting of the A.I.C.C. in Bombay on July 6 and 7, 1946.*

New Delhi, 26th June, 1946.

### MAULANA AZAD'S REVIEW OF NEGOTIATIONS (27-6-1946)

"In our prolonged negotiations with the Cabinet Mission and the Viceroy my colleagues and I have throughout been guided by one governing principle. It was the achievement of Indian independence and the solution of all outstanding problems by methods of peaceful negotiation." says the Congress President, Maulana Azad, in a review of the last three months' negotiations.

"Such methods have both their advantages and their limitations," he adds. "Independence achieved through violence and conflict may be more spectacular, but entails endless suffering and bloodshed and leaves a heartful of bitterness and hatred. Peaceful methods leave no bitter trail, but neither are the results so spectacular as in a violent revolution.

"The present negotiations have therefore to be judged from this standard. Keeping in mind the method chosen and the peculiar nature of our problems, dispassionate observers will be forced to admit that, though all our hopes have not been fulfilled, the results mark a decisive step forward towards the attainment of our goal. After searching discussion and analysis this was the conclusion reached by the Congress Working Committee, and they have accordingly accepted the long-term proposals.

"As I have explained in my statement of April 14, 1946, the Congress scheme for the solution of India's political and constitutional problem rested upon two fundamental bases. The Congress held that in the peculiar circumstances of India, a limited but organic and powerful Centre confined to certain basic subjects was inevitable. A unitary Government could no more meet the requirements of the case then a division of India, into several independent States. A second fundamental principle was the recognition of the complete autonomy of the provinces with all residuary powers vested in them. Congress held that the provinces would administer all except the basic Central subjects. From the nature of the case, it would be open to the provinces to delegate to the Centre such other subjects as they chose. It is an open secret that the Cabinet Mission's long-term proposals are framed according to the principles laid down in the Congress scheme.

* This Resolution was subsequently ratified by the A.I.C.C, at its emergent meeting held in Bombay on July 6th and 7th by a huge majority, ( 204 to 51 ).

"A question about the implication of provincial autonomy was raised during the recent Simla Conference. It was asked that if the provinces were fully autonomous, did not two or more of them have the right if they chose, of setting up inter-provincial machinery for administering such subjects as they allocated to it? The declared views of the Congress on the question of provincial autonomy did not permit a denial of the force in the contention.

"The only novel feature in the Cabinet Mission's scheme is the idea of grouping the provinces into three different sections. As soon as the Constituent Assembly meets, it will, according to the proposals of the Cabinet Mission, divide itself into three committees. Each committee will be composed of members from provinces in the appropriate section and will together decide whether to form a group or not. Section 15 of the Cabinet Mission's proposals has clearly recognised the rights of provinces to form groups or not. The Cabinet Mission intend that the provinces should exercise this right at a particular stage.

"The Congress Working Committee hold that, whatever the intention of the Cabinet Mission, the statement of May 16 does not bear such interpretation. They hold that the provinces are fully autonomous and have the right to decide the question at any stage they like. Section 15 and the general spirit of the proposals support the Congress interpretation. The provinces have the right to decide either at the very beginning before the group constitution has been framed at all or at the end after they have examined the group constitution as it has emerged from the committee of the Constituent Assembly.

"I am convinced that the Congress interpretation cannot be challenged. If a province decides to remain outside the group from the very beginning, it cannot be compelled to come in.

"In assessing the results of the negotiations, we must not forget that the two main objectives of the Congress have been the freedom and the unity of India. The Congress stand has been vindicated on both these points. The constitution-making body will be a purely Indian Assembly elected by Indian votes alone. It will have the unfettered right to shape India's future constitution and decide our relations with the British Commonwealth and the rest of the world. And this sovereign Constituent Assembly will legislate not for a divided but for a united India. All schemes of partition of India have been rejected once and for all. The Union Centre may be limited, but it will be powerful and organic and will integrate into one harmonious whole the many provincial, linguistic and cultural diversities which characterise contemporary India."—A.P.I.

## CARETAKER GOVERNMENT ANNOUNCED (27-6-1946)

NEW DELHI, Wednesday—The Cabinet Mission and the Viceroy announced tonight that a temporary Caretaker Government of officials would be set up and that negotiations to form a representative Government would be adjourned for a short interval while elections to the Constituent Assembly took place.

The temporary Government, it is understood will take the form of Secretaries acting as heads of departments under the Viceroy. In addition, it is probable that one or two Executive Councillors belonging to the Civil Service will remain.

The Cabinet Mission will leave India on Saturday.

The text of the statement is as follows:

"The Cabinet Mission and the Viceroy are glad that constitution-making can now proceed with the consent of the two major parties and of the States. They welcome the statements made to them by the leaders of the Congress and the Muslim League that it is their intention to try and work in the Constituent Assembly so as to make it a speedy and effective means of devising the new constitutional arrangements under which India can achieve her independence. They are sure that the members of the Constituent Assembly who are about to be elected will work in this spirit.

"The Cabinet Mission and the Viceroy regret that it has not so far proved possible to form an interim coalition Government, but they are determined that the effort should be renewed in accordance with the terms of paragraph 8 of their statement of June 16. Owing, however, to the very heavy burden which has been cast upon the Viceroy and the representatives of the parties during the last three months, it is proposed that the further negotiations should be adjourned for a short interval during the time while the elections for the Constituent Assembly will be taking place. It is hoped that when the discussions are resumed, the leaders of the two major parties, who have all expressed their agreement with the Viceroy and the Cabinet Mission on the need for the speedy formation of a representative Interim Government, will do their utmost to arrive at an accommodation upon the composition of that Government.

"As the Government of India must be carried on until a new Interim Government can be formed, it is the intention of the Viceroy to set up a temporary caretaker Government of officials.

"It is not possible for the Cabinet Mission to remain longer in India as they must return to report to the British Cabinet and Parliament and also to resume their work from which they have been absent for over three months. They therefore propose to leave India on Saturday next, June 29. In leaving India the members of the Cabinet Mission express their cordial thanks for all the courtsey and consideration which they have received as guests in the country and they most sincerely trust that the steps which have been initiated will lead to a speedy realisation of the hopes and wishes of the Indian people."

[Paragraph 8 of the statement of June 16 reads as follows:—"In the event of the two major parties or either of them proving unwilling to join in the setting up a coalition Government on the above lines, it is the intention of the Viceroy to proceed with the formation of an Interim Government which will be as representative as possible of those willing to accept the statement of May 16."]

## THE FOLLOWING TWO RESOLUTIONS WERE ADOPTED BY THE ALL-INDIA MUSLIM LEAGUE AT ITS MEETING IN BOMBAY ON 27TH JULY AND SUBSEQUENT DAYS

"'On June 6, 1946, the Council of the All-India Muslim League accepted the Scheme embodied in the Statement of the Cabinet Delegation and the Viceroy, dated 16th May, 1946, and explained by them in their statement, dated 25th May, 1946.

"The scheme of the Cabinet Delegation fell far short of the demand of the Muslim nation for the immediate establishment of an independent and fully sovereign state of Pakistan comprising the six Muslim provinces but the Council accepted a Union Centre for ten years strictly confined to three subjects, namely, Defence, Foreign Affairs and Communications, since the scheme laid down certain fundamentals and safeguards and provided for the grouping separately of the six Muslim Provinces in Sections B and C for the purpose of framing their provincial and group constitutions unfettered by the Union in any way; and also with a view to ending the Hindu-Muslim deadlock peacefully and accelerate the attainment of freedom of the peoples of India.

"In arriving at this decision, the Council was also greatly influenced by the statement of the President, which he made with the authority of the Viceroy, that the Interim Government, which was an integral part of the Mission's Scheme, was going to be formed on the basis of a formula, namely, five Muslim League, five Congress, one Sikh and one Indian Christian or Anglo-Indian and the most important portfolios to be distributed equally between the two major parties, the Muslim League and the Congress.

"The Council authorised the President to take such decision and action with regard to further details of setting up the Interim Government as he deemed fit and proper. In that very resolution, the Council also reserved the right to modify and revise this policy, if the course of events so required.

"That the British Government have committed a breach of faith with the Muslim League in that the Cabinet Mission and the Viceroy went back on the original formula of 5 : 5 : 2 for the setting up of the Interim Government to placate the Congress.

"The Viceroy having gone back on the original formula upon the faith of which the Muslim League Council came to their decision on the 6th of June, suggested a new basis of 5 : 5 : 3 and after carrying on considerable negotiations with the Congress and having failed to get the Congress to agree to it, intimated to the parties on the 15th of June that he and the Cabinet Mission would issue their final statement with regard to the setting up of the Interim Government.

"Accordingly, on June 16, the President of the Muslim League received a Statement embodying what was announced to be the final decision for setting up the Interim Government by the Viceroy, making it clear that if either of the two major parties refused to accept the statement of June 16, the Viceroy would proceed to form the Interim Government with the major party accepting it and such other representatives as were willing to join. This was explicitly laid down in Paragraph 8 of the statement of June 16.

"Even this final decision of the Cabinet Mission of the 16th of June with regard to the formation of the Interim Government was rejected by the Congress, whereas the Muslim League definitely accepted it—although it was different from the original formula, that is, 5 : 5 : 2,—because the Viceroy provided safeguards and gave other assurances which are stated in his letter dated June 20, 1946.

"The Viceroy, however, scrapped the proposal of June 16 and postponed the formation of the Interim Government on the plea concocted by the legalistic talents of the Cabinet Mission putting a most fantastic and dishonest construction upon Paragraph 8 of the statement, to the

effect that as both the major parties that is, the Muslim League and the Congress, had accepted the statement of May 16, the question of Interim Government could only be taken up in consultation with the representatives of both the parties de novo.

"Even assuming that this construction was tenable, for which there is no warrant, the Congress had, by their conditional acceptance with reservatoins and interpretations of their own, as laid down in the letter of the President of the Congress dated June 25 and the resolution of the Working-Committee of the Congress passed at Delhi on June 26, repudiating the very fundamentals of the scheme and, in fact, rejected the statement of May 16 and, therefore, in no event there was any justification, whatsoever, for abandoning the final proposals of June 16.

As regards the proposal embodied in the statements of the 16th and 25th of May of the Cabinet Mission and the Viceroy, the Muslim League alone of the two major parties has accepted it.

"The Congress have not accepted it, because their acceptance is conditional and subject to their own interpretation which is contrary to the authoritative statements of the Mission and the Viceroy issued on the 16th and 25th of May. The Congress have made it clear that they do not accept any of the terms or the fundamentals of the scheme but that they have agreed only to go into the Constituent Assembly and to nothing else; and that the Constituent Assembly is a sovereign body and can take such decisions as it may think proper in total disregard of the terms and the basis on which it is to be set up. Subsequently they made this further clear beyond doubt in the speeches that were made at the meeting of the All-India Congress Committee in Bombay on July 6 by prominent members of the Congress and in the statement of Pandit Jawaharlal Nehru, the President of the Congress, to a press conference on July 10 in Bombay and then again even after the debate in Parliament in a public speech by him at Delhi on July 22.

"The result is that of the two major parties, the Muslim League alone has accepted the statements of May 16 and 25 according to the spirit and letter of the proposals embodied therein. In spite of the attention of the Secretary of State for India having been drawn to this situation by the statement of the President of the Muslim League on July 13 from Hyderabad (Deccan), in the course of the recent debate, neither Sir Stafford Cripps in the House of Commons nor Lord Pethick-Lawrence in the House of Lords, have provided or suggested any means or machinery to prevent the Constituent Assembly from taking decisions which would be ultra vires and not competent for the Assembly to do so. The only reply to this matter that the Secretary of State gave was a mere expression of pious hope and said "that would not be fair to the other parties who go in."

"Once the Constituent Assembly has been summoned and met, there is no provision or power that could prevent any decision from being taken by the Congress with its overwhelming majority, which would not be competent for the Assembly to take or which would be ultra vires of it, and however repugnant it might be to the letter and the spirit of the scheme. It would rest entirely with the majority to take such decisions as they may think proper to suit them; the Congress has already secured by sheer number an overwhelming Hindu Caste majority and they will be in a position to use the Assembly in the manner in which they have already declared, that is, that they will wreck the basic form of the grouping of the provinces and extend the scope, powers and subjects of the Union Centre which is confined strictly to three specific subjects as laid down in Paragraph 15 and provided for in Paragraph 19 of the statement of May 16.

"The Cabinet Mission and the Viceroy, collectively and individually, have stated several times that the basic principles were laid down to enable the major parties to join the Constituent Assembly and that the scheme cannot succeed unless it is worked in a spirit of co-operation.

The attitude of the Congress clearly shows that these conditions precedent for the successful working of the constitution-making body do not exist. This fact, taken together with the policy of the British Government of sacrificing the interests of the Muslim nation and some other weaker sections of the peoples of India, particularly the Scheduled Castes, to appease the Congress and the way in which they have been going back on their oral and written solemn pledges and assurances given from time to time to the Muslims, leave no doubt that in these circumstances the participation of the Muslims in the proposed constitution-making machinery is fraught with danger and the Council, therefore, hereby withdraws its acceptance of the Cabinet Mission's proposals which was communicated to the Secretary of State for India by the President of the Muslim League on the 6th of June, 1946.

## RESOLUTION ON DIRECT ACTION

The second resolution, on Direct Action, reads:—

"Whereas the All-India Muslim League has today resolved to reject the proposals embodied in the statement of the Cabinet Mission and the Viceroy dated May 16, 1946, due to the intransigence of the Congress, on one hand, and the breach of faith with the Muslims by the British Government, on the other, and whereas Muslim India has exhausted, without success, all efforts to find a peaceful solution of the Indian problem by compromise and constitutional means; and whereas the Congress is bent upon setting up a Caste Hindu Raj in India with the connivance of the British; and whereas recent events have shown that power politics and not justice and fairplay are the deciding factors in Indian affairs; and whereas it has become abundantly clear that the Muslims of India would not rest content with anything less than the immediate establishment of an independent and full sovereign State of Pakistan and would resist any attempt to impose any constitution, long-term or short-term, or setting up of any Interim Government at the Centre without the approval and consent of the Muslim League, the Council of the All-India Muslim League is convinced that now the time has come for the Muslim nation to resort to direct action to achieve Pakistan and assert their just rights and to vindicate their honour and to get rid of the present slavery under the British and contemplated future Caste Hindu domination.

"This Council calls upon the Muslim nation to stand to a man behind their sole representative organisation, the All-India Muslim League, and be ready for every sacrifice. This Council directs the Working Committee to prepare forthwith a programme of direct action to carry out the policy initiated above and to organise the Muslims for the coming struggle to be launched as and when necessary. As a protest against and in token of their deep resentment of the attitude of the British, this Council calls upon the Muslims to renounce forthwith the titles conferred upon them by the alien Government."

## PRIME MINISTER CLEMENT ATTLEE'S SPEECH IN THE HOUSE OF COMMONS (15-3-1946)

"I find from our friends in this House who had been out to India and returned, from letters received from Indians and from Englishmen in India of all points of view, complete agreement on the fact that India is today in a State of great tension and that this is indeed a critical moment. At the present moment the idea of nationalism is running very fast in India and indeed all over Asia.

"Mr. Butler did not suggest that the Government should publish any exact terms of reference of the Mission. We have set out the general purposes and it is our intention that they should be given as free a hand as possible.

"I am quite sure that everyone in this House realises the difficulty of the task which the members of the Mission have undertaken in conjunction with the Viceroy and that no one will desire to say anything whatever that will make that task more difficult.

"I entirely agree with Mr. Butler in saying that the Mission should go out in a positive mood. That, indeed, is the mood in which they are undertaking this Mission."

Mr. Attlee said: "I thank Mr. Butler for his very helpful, wise and constructive speech. He has done great service in Indian affairs for many years and he comes of a family that has given many most distinguished public servants.

"I think that the tone in which he addressed the House is just what is needed today at this critical stage in the relationship of these two countries at a time of very high tension.

"It is time emphatically for very definite and clear action. I do not intend to make a long speech. I do not think it would be wise to do so and in particular it would be most unhelpful to review the past. It is so easy to go back over the past and in accordance with one's prediction to apportion blame for past failures in long drawn-out discussions on this extraordinarily difficult problem—the problem of development of India to a completely self-governing nation.

"In the long period of the past, it is so easy to point out and say that at this stage or that stage opportunities were missed by faults on one side or the other.

"I have had very close connection with this problem for nearly 20 years and I say there have been faults on both sides, but this time, we should look to the future rather than harp back to the past. Thus I would say: It is not good applying the formula of the past to the present position. The temperature of 1946 is not the temperature of 1920, 1930 or even 1942. The slogans of earlier days are discarded. Sometimes, words that seemed at that time to Indians to express the height of their aspirations are now set on one side and other words and ideas thrust forward.

"Nothing increases the pace and movement of public opinion more than a great war. Everyone who had anything to do with this question in the early days between the wars knows what effect the war of 1914-18 had on Indian aspirations and ideas. The tide that runs comparatively slowly in peace, in war-time becomes vastly accelerated and especially directly afterwards, because that tide is to some extent banked up during war.

"I am quite certain that at the present time the idea of nationalism is running very fast in India and indeed all over Asia.

"One always has to remember that India is affected by what happens elsewhere in Asia. I remember when I was on the Simon Commission what effect the challenge that had been thrown out by Japan at that time had had on the Asiatic people; and the tide of nationalism that at one time seemed to be canalised among a comparatively small portion of the people of India, mainly a few of the educated classes, has tended to spread wider and wider.

"I remember that in the Simon Commission report that although there were great differences in expression of the nationalistic sentiment between what were called extremists and moderates and although in many instances there might be such stress of communal claims as may seem almost to exclude the conception of nationalism yet we found that Hindus, Muslims, Sikhs and Marathas, politicians or civil servants—among all of them—conception of nationalism had been growing stronger and stronger and today I think that the national idea has spread right through, not the least perhaps among some of those soldiers who had done such wonderful service in the war.

"I would like today, therefore, not to stress so much the differences between the Indians, but let us all realise that whatever the difficulties and divisions may be there is this underlying demand among all the Indian people.

"There will be matters undoubtedly on which it is necessary to refer back but the position at the present time is that when we desire to get the utmost co-operation and goodwill between all leaders of Indian opinion it would be unwise to try and tie down those who are going out too rigidly.

"The obvious reason for sending out the Cabinet Ministers is that you send out persons of responsibility who are able to take decisions. Of course, there must be an area in which there may have to be a reference back."

Mr. Butler had stressed the great part India had played in the war. "It is worth remembering" said Mr. Attlee, "that twice in 25 years India has played a great part in the defeat of tyranny. Therefore, is it any wonder that today she claims—a nation of 400,000,000 people that twice sent her sons to die for freedom—that she should herself have freedom to decide her own destiny? (cheers).

"My colleagues are going to India with the intention of using their utmost endeavours to help her to attain that freedom as speedily and fully as possible. What form of government is to replace the present regime is for India to decide, but our desire is to help her to set up forthwith a machinery for making that decision.

"There you have met with the initial difficulty of getting the machinery set up but we are resolved that a machinery shall be set up and we seek the utmost co-operation of all Indian leaders to do so.

"India herself must choose as to what will be her future situation and her position in the world. Unity may come through the United Nations or through the Commonwealth but no great nation can stand alone by herself without sharing what is happening in the world. I hope that India may elect to remain within the British Commonwealth. I am certain that she will find great advantage in doing so, but if she does, she must do it of her own free will, for the British Commonwealth and Empire is not bound together by chains of external compulsion. It is a free association of free people.

"If on the other hand she elects for independence—and in our view she has a right to do so—it will be for us to help to make the transition as smooth and easy as possible.'

Mr. Attlee continued: "We have united India and given her that sense of nationality which she largely lacked in the previous centuries and she has learnt from us principles of democracy and justice.

"When the Indians attack our rule they base their attack not on Indian principles, but on the basis of standards derived from Britain."

Mr. Attlee said he was impressed by an incident which occurred when he recently visited the United States. He was having dinner with a number of distinguished Americans and distinguished Indians and the talk turned on the way in which principles worked out in Britain were applied on the continent of America. It was pointed out that America had a great heritage from Britain, the Premier added.

"But my Indian friend said that Americans sometimes forgot that there was another great nation that had inherited those principles and that was India. We feel we have a duty, right and privilege, because we also bring to the world and work those principles that were evolved in Britain.

"I am well aware that when I speak of India I speak of a country containing congeries of races, religions and languages and I know well the difficulties thereby created but these difficulties can only be overcome by Indians", the Prime Minister went on.

"We are mindful of the rights of the minorities and the minorities should be able to live free from fear. On the other hand we cannot allow a minority to place their veto on the advance of a majority.

"We cannot dictate how these difficulties shall be overcome. Our first duty is to get a machinery of decision set up and that is the main purpose of the Ministerial Mission and the Viceroy.

"We want to see set up an interim government—one of the purposes of the Bill which has been discussed today—to give the Viceroy greater freedom in order that in the period which is to elapse while a constitution is being worked out, you may have a government enjoying the greatest possible support in India. I would not like to fetter the Viceroy's decision in any way in regard to the choice of portfolios.

"In many Indian States, great advance has been made and there is a most interesting experiment in Travancore. Of course, feelings in India with regard to nationalism cannot be confined by boundaries that separate the States from the provinces.

"I am hoping that statesmen of Britain and of princely India will be able to work out a solution of the problem of bringing together the various constituent parts and there again we must see that Indian States find their due place. I do not believe for a moment that the Indian princes would lag behind in the forward march of India.

"This is a matter which Indians will settle themselves. I am very well aware of the minority problem in India. I think all Indian leaders are realising more and more the need for getting a settlement of these minority problems if India is to have a smooth passage in future years and I believe that due provision will be made for them in the Constitution.

"The Mission will certainly not neglect this point. But you cannot make Indians responsible for governing themselves and at the same time retain over here the responsibility for treatment of minorities and powers of intervention on their behalf.

"We are mindful too of the position of the services and of the men who have done great service to India. India should be sensible of the responsibility she has to those who have served her.

"The Government which takes over the assets of the Government will also take over the liabilities. That again is a point to be dealt with later on. It does not concern the immediate setting up of the instrument of decision.

"With regard to the treaty, we are not going to hang out for anything for our own advantage which would be to the disadvantage of India.

"Let me stress again the crucial nature of the task before us. This problem is of vital importance not only to India and the British Commonwealth and Empire but to the world. In the mass of Asia, an Asia ravag-

ed by war, we have here the one country that has been seeking to apply the principles of democracy. I have always felt myself that political India might be the light of Asia. It is most unfortunate circumstance that just at the time when we have to deal with these great political issues there should be grave economic difficulties. In particular we have very grave anxiety over India's food supply.

"The House knows that the British Government are deeply concerned in this problem and the Minister of Food is now over in the United States with the Indian Delegation. We shall do our utmost to help India.

"I do not think I should refer to the social and economic difficulties except to say that I believe that these difficulties can only be solved by Indians themselves because they are so closely bound up with the whole Indian way of life and outlook. Whatever we can do to assist we shall do. My colleagues are going out to India resolved to succeed and I am sure everyone will wish them god speed."

# APPENDIX V.

## THE PERSONNEL ANNOUNCED (25-8-1946)

The personnel of the first All-Indian National Interim Government at the Centre was announced by the Viceroy's House yesterday. It consists of 14 members, 12 of whom were named; the remaining two Muslims will be appointed later. The new Government will assume office on September 2. His Majesty the King has accepted the resignation of the present members of the Governor-General's Executive Council and has appointed the following:—

Pandit Jawaharlal Nehru,
Sardar Vallabhbhai Patel,
Dr. Rajendra Prasad,
Mr. Asaf Ali,
Mr. C. Rajagopalachari,
Mr. Sarat Chandra Bose,
Dr. John Matthai,
Sardar Baldev Singh,
Sir Shaffaat Ahmad Khan,
Mr. Jagjivan Ram,
Syed Ali Zaheer and
Mr. Cooverji Hormusji Bhabha.

Two more Muslim members will be appointed later.

The published names are those of five Hindus, three Muslims, and one representative each of the Scheduled Castes, Indian Christians, Sikhs and Parsis. The list is the same as that embodied in the Statement of June 16, except for the Parsi and Muslims and the replacement of Mr. Harekrishna Mahtab by Mr. Sarat Chandra Bose.

## THE VICEROY'S BROADCAST (25-8-1946)

### APPEAL TO THE LEAGUE

"I shall implement fully His Majesty's Government's policy of giving the new Government the maximum freedom in the day-to-day administration of the country," said the Viceroy broadcasting on Saturday evening. His Excellency made it clear that the offer made to the Muslim League was still open.

The Viceroy said: "You will have heard the announcement of the names of the members of the new Interim Government, which will come into office very shortly. You will, I am sure, all realise that a very momentous step forward has been taken on India's road to freedom. Some of you who listen to me may feel, however, that the step should not have been taken in this way or at this time. It is to those that I want principally to address myself tonight.

"You who are opposed to the formation of the new Government are not, I assume, opposed to the main policy of His Majesty's Government, namely, to fulfil their pledges by making India free to follow her own destiny. You will also, I think, all agree that we need at once a Government of Indians as representative as possible of political opinion in the country. This is what I set out to secure: but though five seats out of 14 were offered to the Muslim League, though assurances were given that the scheme of constitution-making would be worked in accordance with the procedure laid down, and though the new Interim Government is to operate under the existing Constitution, it has not been possible at present to secure a coalition.

"No one could be sorrier about the failure than I am. No one could be more sure that it is a coalition Government in which both the main parties are represented that is needed at this moment in the interests of all parties and communities in India. This is a view which I know that the President of the Congress, Pandit Jawaharlal Nehru, and his colleagues hold as strongly as I do. His efforts, like mine, will still be directed to persuading the League to join the Government.

The Muslim League need have no fear of being outvoted on any essential issue. A coalition Government can only exist and function on the condition that both the main parties to it are satisfied. I will see that the most important portfolios are equitably shared. I sincerely trust that the League will reconsider their policy and decide to participate in the Government.

"Meanwhile, however, the administration of India has to go on, and there are large issues which must be decided. I am glad that the representatives of a very large body of political opinion in the country will be my colleagues in carrying on the Government. I welcome them to my Council. I am also glad that the Sikhs have now decided to participate in the Constituent Assembly and in the Interim Government. I have no doubt that their decision is a wise one.

"In the field of Provincial Autonomy, of course, my new Government will not have any power, or indeed any desire, to intervene in the field of provincial administration.

"The recent terrible occurrences in Calcutta have been a sobering reminder that a much greater measure of toleration is essential if India is to survive the tarnsition to freedom. I appeal, not only to the sober citizens, but to the young and discontented, to recognise that no conceivable good either to themselves or to their community or to India can come from violent words or from violent deeds. It is essential that in all provinces law and order is maintained and the protection of the ordinary peaceable citizens is assured with a firm but impartial hand and that no community is oppressed.

"The army had to be called in at Calcutta to restore order, and rightly so. But I must remind you that to suppress civil disturbances is not

the normal duty of the army, but that of the Provincial Government. The use of the army is a last resource only.

"The War Member in the new Government will be an Indian, and this is a change which both the Commander-in-Chief and I warmly welcome. But the constitutional position of the armed forces is in no way changed. They still owe allegiance, in accordance with their oath, to the King-Emperor, to whom and Parliament I am still responsible.

"In spite of all immediate appearances, I believe there is yet a chance of agreement between the two principal parties. I am quite sure that there is a very large body of opinion in both parties and of non-party men who would welcome such an agreement, and I hope they will all work for it. I would appeal also to the Press to use its very great influence on the side of moderation and compromise. Remember, the Interim Government can be re-formed tomorrow if the League decide to come in. Meanwhile, it will administer in the interests of the country as a whole and not of any one party or creed.

"It is essential also that the work of the Constituent Assembly should begin as early as possible. Here again let me remind you that assurances have been given to the Muslim League that the procedure laid down in the Statement of May 16 regarding the framing of provincial and group constitutions will be faithfully adhered to; that there can be no question of any change in the fundamental principles proposed for the Constituent Assembly in Paragraph 15 of the Cabinet Mission's statement of May 16 or of a decision on a main communal issue without a majority of both major communities; and that the Congress are ready to agree that any dispute or interpretation may be referred to the Federal Court. I sincerely trust that the Muslim League will reconsider their decision not to take part in a plan which promises to give them so wide a field in which to protect the interests and to decide the future of the Muslims of India."

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## MR. JINNAH'S REPLY TO THE VICEROY (26-8-1946)

Mr. M. A. Jinnah, President of the All-India Muslim League, has issued the following statement to the press:—

"It is to be regretted that the Viceroy in his broadcast on Saturday (25-8-46) should have made such a misleading statement and contrary to facts that, though five seats out of 14 were offered to the Muslim League, though assurances were given that the scheme of constitution-making would be worked in accordance with the procedure laid down, and though the new Interim Government is to operate under the existing constitution, it has not been possible to secure a coalition. The truth is that the Viceroy wrote to me on July 22 making certain proposals which were virtually and substantially different from the Interim Government proposals embodied in the Statement of June 16 and the assurances given to the Muslim League, enclosing a copy of a similar letter addressed by him to Pandit Jawaharlal Nehru.

"This was on the eve of the meeting of the Council of the All-India Muslim League and the Viceroy knew full well that a grave situation had been created and that there were serious apprehensions and misgivings about the policy of His Majesty's Government and his attitude in the matter. Nevertheless, there is not a single word in his letter of July 22 with regard to our position vis-a-vis the Constituent Assembly in the light of the decision of the Congress, the pronouncements of the Congress leaders and the directive given by the Assam Assembly to Assam's representatives on the Constituent Assembly to have nothing to do with the "C" group.

"I replied to the Viceroy on July 31 clearly stating our position with regard to his new move which was obviously intended to meet the Congress wishes, for else what justification was there for him to depart even from the final proposals embodied in the Statement of June 16? Will the Viceroy explain why should there be any departure from those proposals and the assurances that were given to us and for whose advantage is this new move being made by him?

"I received a reply from him dated August 8 acknowledging my letter of July 31. It is amazing that he should have stated therein that his suggestion in his letter of July 22 was the 'same as the one the Muslim League Working Committee accepted at the end of June namely, 6:5.3. This is entirely incorrect as has been already pointed out by me in my letter of July 31. He further says:

'In view of the League Resolution of the July 29, I have now decided to invite the Congress to make proposals for an Interim Government and I am sure that if they make a reasonable offer to you of a Coalition, I can rely upon for a ready response.'

"I had and have no knowledge or information as to what actually transpired between the Congress and the Viceroy but Pandit Jawaharlal Nehru, I suppose as arranged, came to see me on August 15. It was merely a formality and he made his offer: that the Congress were willing to give out of fourteen five seats to the Muslim League and the remaining nine were to be nominated by them including one Muslim of their choice; that he was not forming the Executive Council under the present Constitution but a Provisional National Government responsible to the present Legislative Assembly and he made it clear in his letter of August 15 in reply to mine of the same date that while he was willing to discuss the larger question with me, he had no new suggestion to make and added, 'perhaps you may be able to make a new approach' and when I did make a suggestion, he turned it down saying that the Congress stand was the same as laid down in their Resolution of Delhi passed on June 26 and that the Wardha Resolution of August 10 had only reaffirmed that stand and this was repeated by him at the Press Conference on August 16 before his departure for Delhi to meet the Viceroy. I informed Pandit Nehru that in these circumstances there was no chance of my Working Committee or the Council of the All-India Muslim League accepting his proposals.

"Thereafter the Viceroy, Pandit Nehru and the Congress leaders have now for nearly a week carried on their discussions and negotiations behind my back and without any knowledge or information being furnished to me except the communique that was issued last night announcing the formation of the Interim Government and the Viceroy's broadcast. As the Viceroy has already disclosed the alleged offer without stating what reply he has received from me, I am herewith releasing the correspondence:—

**VICEROY'S LETTER TO MR. JINNAH, DATED JULY, 22, 1946.**

Personal & Confidential.

Dear Mr. Jinnah,

I declare my intention of replacing the present Caretaker Government of officials by an Interim Coalition Government as soon as possible, and am now putting it to you as President of the Muslim League and to the President of the Congress the proposals set out below:—

2. I think you will probably agree with me that our negotiations both this Summer and last year were hampered by the attendant publicity. I am, therefore seeking your co-operation in conducting at any rate the preliminary stages of the negotiations on a strictly personal and secret basis between myself and the two Presidents. I very much hope that you will prevent the correspondence being known to or discussed in the Press until we have seen whether we can find some basis of agreement. I realise

of course, that you will have at some stage to secure the approval of your Working Committee but I believe it will be best to try and reach some basis of agreement between ourselves as a first step.

**The Proposals**

I propose the following for your consideration:

(a) The Interim Government will consist of 14 members.

(b) Six members (to include one Scheduled Caste representative) will be nominated by the Congress. Five members will be nominated by the Muslim League. Three representatives of Minorities will be nominated by the Viceroy; one of these places will be kept for a Sikh.

It will not be open to either Congress or the Muslim League to object to the names submitted by the other party provided they are accepted by the Viceroy.

(c) Distribution of portfolios will be decided after the Parties have agreed to enter the Government and have submitted their names. The Congress and the Muslim League will each have an equitable share of the most important portfolios.

(d) The assurances about the status of the Interim Government which I gave in my letter dated May 30, to Maulana Azad will stand.

3. I would welcome a convention, if freely offered by the Congress, that major communal issues can only be decided by the assent of both the major parties, but I have never thought that it was essential to make this a formal condition since in fact a Coalition Government could work on no other basis.

4. I sincerely trust that your party will agree to co-operate in the administration of India on the above basis, while the work of constitution-making proceeds. I am confident that this will be of the greatest possible benefit to India. I suggest that we should not spend further time in negotiation, but should try out at once a Government on the basis proposed above. If it does not work, and you find the condition unsatisfactory, it will be open to you to withdraw, but I am confident that you will not.

5. Would you be good enough to let me know very soon whether the Muslim League will enter in the Interim Government on this basis? I have written in similar terms to Pandit Nehru and enclose a copy of my letter to him.

Yours sincerely,

(Sd.) WAVELL.

P. S. I am seeing Pandit Nehru this afternoon on other matters and will hand him this letter then.

**MR. JINNAH'S REPLY TO THE ABOVE, DATED JULY 31, 1946**

Dear Lord Wavell,—I am in receipt of your letter of July 22 and I notice that this is the fourth basis that you are suggesting for the formation of your Interim Government. From 5:5:2 you came to 5:5:3 and then to 5:5:4 as embodied in the Statement of the Cabinet Delegation and yourself dated June 16, 1946, which was announced by you as final. Now you are making this fourth proposal, i.e., 6:5:3.

Every time the Congress turned down the previous three proposals as you were unable to appease them or propitiate them; and every time the departure from what we were assured of in your letter of June 20.

You categorically state in your letter of June 20 paragraph 5 that no decision on a major communal issue would be taken by the Interim Government "if a majority of the representatives of either of the two major parties were opposed to it," whereas now in the present proposals you inform me that you will welcome a convention if freely offered by the Congress!

As you have written this letter to me and is strictly personal and secret I can only say that in my opinion there is no chance of my Working Committee accepting this proposal.

Yours sincerely,

(Sd.) M. A. JINNAH."

**LETTER FROM THE VICEROY, DATED AUGUST 8, 1946**

Personal and Secret.

Dear Mr. Jinnah,

I have received your letter of July 31 about my proposal for an Interim Government.

2. I am sorry that things have gone the way they have, but I do not think it would be profitable now to enter into a detailed discussion of the points you raise in your letter. I will only remind you that the basis of representation which I suggested in the letter to which you now reply is the same as the one the Muslim League Working Committee accepted at the end of June namely, 6:5:3.

3. In view of the League resolutions of July 29 I have now decided to invite the Congress to make proposals for an Interim Government, and I am sure that if they make a reasonable offer to you of a coalition, I can rely on you for a ready response. I have told the President of the Congress that any Interim Government would be on the basis of the assurances given in my letter of May 30 to Maulana Azad.

## MR. JINNAH'S STATEMENT (27-8-1946)

The following is the text of Mr. Jinnah's statement:

"My reaction to the Viceroy's broadcast is that he has struck a severe blow to the Muslim League and Muslim India, but I am sure that the Mussalmans of India will bear this up with fortitude and courage and learn lessons from our failure to secure our just and honourable position in the Interim Government and the Constituent Assembly.

"I once more repeat my question: why has the Viceroy gone back on what was announced in the Statement of the Cabinet Delegation and the Viceroy on June 16 as final, and the assurances given to the Muslim League in his letter dated June 20? What had happened between June 16 and July 22 that he was pleased to change that formula vitally and substantially, and what has happened between July 22 and August 24 that he has gone ahead and jammed in a one-party Government?

"He says in his broadcast that he was addressing those who advised him that this step should not have been taken in this way or at this time. I was one of those unfortunate persons, and I still maintain that the step that he has taken is most unwise and unstatesmanlike and is fraught with dangerous and serious consequences, and he has only added insult to injury by nominating three Muslims, who he knows do not command either the respect or confidence of Muslim India, and two more Muslim names still remain to be announced.

"He is still harping that we are not opposed to the main policy of His Majesty's Government to fulfil their pledges by making India free to follow her own destiny. Of course, we are not opposed to the freedom of the peoples of India, and we have made it clear that the only solution of India's problem is a division of India into Pakistan and Hindustan, which would mean real freedom for the two major nations and every possible safeguard for the minorities in the respective States.

"I am sorrier than the Viceroy is about his failure to secure a coalition Government, but my sorrow springs from a different fountain and for different reasons from those of his. I am glad that the Viceroy realises that what is needed is a coalition Government in which both the main parties are represented, and I am glad that he is also speaking on behalf of Pandit Jawaharlal Nehru and the Congress that they hold this view as strongly as he does and that their efforts will still be directed to persuade the League to join the Government. I do not know what the Viceroy means when he says, in his broadcast, of his offer that has been made and which is still open. It is so vague except that the Muslim League will have five seats. Nothing else is clearly stated.

"He has referred to many other things into which I need not go at present. As regards the 'Constituent Assembly,' I do not know what he means when he says that 'here again let me remind you that assurances have been given to the League that the procedure laid down in the Statement of May 16 regarding the framing of provincial and group constitutions will be faithfully adhered to. It is not a procedure. It is fundamental and basic. The question is whether it can be changed in any way whatsoever.

"Then he proceeds to say that there can be no question of any change in the fundamental principles proposed for the Constituent Assembly in Paragraph 15 of the Statement of May 16th and he echoes that the Congress is ready to agree that any dispute or interpretation may be referred to the Federal Court. But how can he expect an agreement on the terms and fundamentals of the Statement of May 16 when one party puts one interpretation contrary to the authoritative statement of the Mission, dated May 25, and the other party puts a different interpretation, which is more in accord with the Statement of May 25? But he complacently goes on to say that any dispute or interpretation may be referred

to the Federal Court. To begin with, there is no provision for such a dispute being referred to the Federal Court, and secondly, on the very threshold the parties fundamentally differ in their interpretations regarding the basic terms. Are we going to commence the proceedings of the Constituent Assembly with litigation and law suits in the Federal Court? Is this the spirit in which the future constitution can be framed affecting 400 million people of this sub-continent?

"If the Viceroy's appeal is really sincere, and if he is in earnest, he should translate it into concrete proposals and by his deeds and action." —A.P.I.

## PANDIT NEHRU'S BROADCAST (7-9-1946)

Following is the text of the broadcast:—

Friends and Comrades—Jai Hind:

Six days ago, my colleagues and I sat on the chairs of high office in the Government of India. A new government came into being in this ancient land, the Interim or Provisional Government we called it, the stepping stone to the full independence of India. Many thousands of messages of greeting and goodwishes came to us from all parts of the world and from every nook and corner of India. And yet we asked for no celebration of this historic event and even restrained our people's enthusiasm. For we wanted them to realise that we were yet on the march and the goal had still to be reached. There were many difficulties and obstacles on the way and our journey's end might not be so near as people thought. Any weakness now, any complacency would be fatal to our cause.

Our hearts were heavy also with the terrible tragedy of Calcutta and because of the insensate strife of brother against brother. The freedom we had envisaged and for which we had laboured, through generations of toil. and suffering, was for all the people of India and not for one group or class or the followers of one religion. We aimed at a co-operative commonwealth in which all would be equal sharers in opportunity and in all things that give meaning and value to life. Why then this strife? This fear and suspicion of each other?

I speak to you today not much of high policy or our programme for the future—that will have to wait a while—but to thank you for the love and affection which you have sent us in such abundant measure. That affection and spirit of co-operation are always welcome but they will be needed more than ever in the difficult days ahead of us. A friend sent me the following message, 'May you weather every storm, first pilot of the ship of state, bon voyage.' A cheering message, but there are many storms ahead and our ship of state is old and battered and slow-moving and unsuited to this age of swift change; it will have to be scrapped and give place to another. But, however old the ship and however old the pilot, there are so many millions of willing hearts and hands to help, that we can brave the high seas and face the future with confidence.

That future is already taking shape and India, this old and dear land of ours, is finding herself again through travail and suffering. She is youthful again with the bright eyes of adventure, and with faith in herself and her mission. For long years she had been narrowly confined and had lost herself in brooding. But now she looks out on the wide world even though that world may still be full of conflict and thoughts of war.

The Interim National Government is part of a larger scheme which includes the Constituent Assembly which will meet soon to give shape to the constitution of a free and independent India. It is because of this expectation of an early realisation of full independence that we have entered this Government, and we propose to function so as progressively to achieve that independence in action both in our domestic affairs and our foreign relations.

We shall take full part in international conferences as a free nation with our own policy and not merely a satellite of another nation. We hope to develop close and direct contacts with other nations and to co-operate with them in the furtherance of world peace and freedom.

We propose, as far as possible, to keep away from the power politics of groups aligned against one another which have led in the past to world wars and which may again lead to disasters on an even vaster scale. We believe that peace and freedom are indivisible and the denial of freedom anywhere must endanger freedom elsewhere and lead to conflict and war. We are particularly interested in the emancipation of colonial and depen-

dent countries and peoples, and in the recognition in theory and practice of equal opportunities for all races.

We repudiate utterly the Nazi doctrine of racialism, wheresoever and in whatever form it may be practised. We seek no Dominion over others and we claim no privileged position over other peoples. But we do claim equal and honourable treatment for our people wherever they may go, and we cannot accept any discrimination against them.

The world, in spite of its rivalries and hatreds and inner conflicts moves inevitably towards closer co-operation and the building up of a world commonwealth. It is for this one world that free India will work, a world in which there is the free co-operation of free peoples and no class or group exploits another.

In spite of our past history of conflict, we hope that an independent India will have friendly and co-operative relations with England and the countries of the British Commonwealth. But it is well to remember what is happening in one part of the Commonwealth today. In South Africa racialism is the state doctrine and our people are putting up a heroic struggle against the tyranny of a racial minority. If this racial doctrine is going to be tolerated, it must inevitably lead to vast conflicts and world disaster.

We send our greetings to the people of the United States of America to whom destiny has given a major role in international affairs. We trust that this tremendous responsibility will be utilised for the furtherance of peace and human freedom everywhere. To that other great nation of the modern world, the Soviet Union, which also carries a vast responsibility for shaping world events, we send greetings. They are our neighbours in Asia and inevitably we shall have to undertake many common tasks and have much to do with each other.

We are of Asia and the peoples of Asia are nearer and closer to us than others. India is so situated that she is the pivot of Western, Southern and South-East Asia. In the past her culture flowed to all these countries. They came to her in many ways. Those contacts are being renewed and future is bound to see a closer union between India and South-East Asia on the one side, and Afghanistan, Iran and the Arab world on the west. To the furtherance of that close association of free countries we must devote ourselves. India has followed with anxious interest the struggle of the Indonesians for freedom and to them we send our good wishes.

China, that mighty country, with a mighty past, our neighbour, has been our friend through the ages and that friendship will endure and grow. We earnestly hope that her present troubles will end soon and a united and democratic China will emerge, playing a great part in the furtherance of world peace and progress.

I have not said anything about our domestic policies, nor at this stage do I wish to do so. But that policy will inevitably have to be governed by the principles by which we have stood all these years. We shall look to the common and forgotten man in India and seek to bring him relief and raise his standard of living. We shall continue our fight against the curse of untouchability and other forms of enforced inequality, and shall especially try to help those who are economically or otherwise backward. Today millions lack food and clothing and houses, and many are on the verge of starvation. To meet this immediate need is an urgent and difficult task and we hope other countries will help us by sending foodgrains.

An equally urgent and vital task for us is to conquer the spirit of discord that is abroad in India. Out of mutual conflict we shall never build the house of India's freedom of which we have dreamed so long. All of us in this land have to live and work together, whatever political developments might take place. Hatred and violence will not alter this basic fact, nor will they stop the changes that are taking place in India.

There has been much heated argument about sections and grouping in the Constituent Assembly. We are perfectly prepared to, and have accepted, the position of sitting in sections, which will consider the question of formation of groups. I should like to make it clear on behalf of my colleagues and myself that we do not look upon the Constituent Assembly as an arena for conflict or for the forcible imposition of one viewpoint over another. That would not be the way to build up a contented and united India. We seek agreed and integrated solutions with the largest measure of goodwill behind them.

We shall go to the Constituent Assembly with the fired determination of finding a common basis for agreement on all controversial issues. And so, in spite of all that has happened and the hard words that have been said, we have kept the path of co-operation open, and we invite even those who differ from us to enter the Constituent Assembly as equals and partners with us with no binding commitments. It may well be that when we meet and face common tasks our present difficulties will fade away.

India is on the move and the old order passes. Too long have we been passive spectators of events, the playthings of others. The initiative comes to our people now and we shall make the history of our choice. Let us all join in this mighty task and make India, the pride of our heart, great among nations, foremost in the arts of peace and progress.

The door is open and destiny beckons to all. There is no question of who wins and who loses, for we have to go forward and together as comrades and either all of us win or all go down together. But there is going to be no failure. We go forward to success, to independence and to the freedom and well-being of the four hundred millions of India—Jai Hind.

## INDIA'S FOREIGN POLICY

### NEHRU'S PRESS CONFERENCE (27-9-1946)

"Plans have already been drawn up for the creation of an Indian Foreign Service to man diplomatic posts in foreign countries as well as countries in the British Empire."

Announcing this at a press conference, today Pandit Jawaharlal Nehru, Vice-President of the Interim Government and Member in charge of External Affairs, said that India should require over 300 persons to man diplomatic posts, while the number of Indian officials possessing the requisite experience was barely a sixth of that number.

He said that plans for the creation of this service and for the recruitment and training of its members would shortly be placed before the Cabinet for approval.

Pandit Nehru said that it was proposed to despatch a goodwill mission to the Middle East and to establish contacts, which would in the first instance be informal with countries of both Western and Eastern Europe. It was also proposed to station an Interim Consul at Bangkok and a Vice-Consul at Saigon in the near future.

Pandit Nehru also announced that Government were already considering the question of forming as soon as practicable an Advisory Council in Baluchistan to assist the administration.

"In the sphere of Foreign Affairs, India will follow an independent policy, keeping away from the power politics of groups aligned one against another," said Pandit Nehru. He added that India will uphold the principle of freedom for dependent peoples and will oppose racial discrimination wherever it may occur. She will work with other peace-loving nations for international co-operation and goodwill without exploitation of one nation by another.

Pandit Nehru continued: "It is necessary that, with the attainment of her full international status, India should establish contact with all the great nations of the world and that her relations with neighbouring countries in Asia should become still closer.

"So far her near neighbours are concerned India will watch with close interest the development of events in Palestine, Iran, Indonesia, China, Siam and Indo-China, as well as in the foreign possessions in India itself, with every sympathy with the aspiration of the peoples of these lands for the attainment of internal peace, freedom (where they lack it) and of their due place in the comity of nations.

"With the U.S.A. and China, India already has a form of diplomatic contact. The relations thus already existing will, it is hoped, shortly be strengthened by the exchange of representations on an independent diplomatic footing.

"The first step necessary for India's separate representation abroad is the creation of an Indian Foreign Service to man diplomatic, Consular and commercial posts in foreign countries as well as countries in the British Empire.

"Plans have already been drawn up for the creation of this service but the implementation of these plans must, however, take a little time because of the number and complexity of the practical issues involved. It is a relatively simple matter to recruit young men to a service, train them and to appoint them to junior posts from which they may gradually work their way up, but it is estimated that we shall require over 300 persons to man posts from the topmost grade down to the lowest, while the number of Indian officials possessing the requisite experience is barely a sixth of that number.

Recruitment will, therefore, have to be spread over persons in several different age groups, and the experience and qualifications of each candidate will have to be taken into account not only in judging his suitability for the service, but, after selection, in deciding what further training, if any, he should undergo.

"The period of India's separate representation abroad must begin with the best material available, and care will be taken to ensure that persons in all walks of life who possess the requisite qualifications are able to offer themselves for selection. The training of the older recruits will necessary be brief, because they will be required to take up appointments as soon as possible; but, it is intended that new recruits should receive instruction in such subjects as economics, world history, international affairs and foreign languages, and to spend a part of their training period at a foreign university. Other matters of detail, such as salaries and allowances, the syllabus of the entrance examination, are still under consideration.

At present there are Indian diplomatic officials in the U.S.A. and China, High Commissioners in Australia and South Africa (the last being at present in India), representatives in Burma, Ceylon and Malaya and Trade Commissioners in several countries. With the creation of the new service the existing posts will be strengthened and new ones opened. It will be necessary to work out a system of priorities, but obviously first consideration must be given to countries with which we already have contacts and to our neighbours in the East as well as in the West."

Dealing with the North-West Frontier policy, Pandit Nehru said: "Government propose as soon as practicable to examine in consultation with all the interests concerned, the problem of the tribal areas of the North-West Frontier. The question is one of All-India importance, for the tribes are the guardians of the northern doorway to India and the security and well-being of these areas is, therefore, a definite factor in the defence of this country.

"I should like to make it quite clear that in reviewing the problem there is no intention whatever of depriving the tribes of their existing freedom which they have defended so jealously and valiantly for many years, still less to impose any scheme on them against their will. It follows that Government's approach to the problem will be essentially a friendly one seeking co-operation and consultation with the tribes' ways and means of solving their economic difficulties, promoting their welfare generally and bringing them into a happy and mutually beneficial association with their neighbours in the settled districts.

"I have said that the question is one of all-India importance. So it is, but there is a wider aspect to it than this. The tribal areas of the North-West Frontier lie along an international frontier—the frontier which divides India from its friendly neighbour, Afghanistan. From this situation arises an international obligation, for our friends, the Afghans, look to us to preserve peace and order in the tribal areas in the interests of the tranquillity of their own country. They may rest assured that in seeking a new approach to the problem the fullest regard will be paid to our obligations."

Pandit Nehru referred to the application of reforms to Baluchistan. He said: "It will fall to the Constituent Assembly in consultation with the interests concerned, to decide in what way Baluchistan will enter the new Indian body politic and how the Baluchistan of the future will be administered. But in view of the comparative backwardness of political development in Baluchistan, Government are already considering the question of forming as soon as practicable an Advisory Council drawn from representative institutions and organisations in Baluchistan to assist the Agent to the Governor-General. This would be a preliminary to the introduction of a fuller democratic system of administration.

"It is the intention of Government to consult at every stage the wishes of the inhabitants of Baluchistan and not to ignore such indigenous institutions as the tribal jirgas. It may be necessary in view of

local conditions and the wishes of the people there to modify the pattern of democartic institutions which may come into being in the rest of India."

Pandit Nehru continued: "Towards the United Nations Organization India's attitude is that of whole-hearted co-operation and unreserved adherance, in both spirit and letter, to the charter governing it. To that end, India will participate fully in its various activities and endeavour to play that role in its councils to which her geographical position, population and contribution towards peaceful progress entitle her. In particular, the Indian Delegation will make it clear that India stands for the independence of all colonial and dependent peoples and their full right to self-determination.

"India's delegation to the forthcoming General Assembly of the United Nations is not yet complete, but invitations to join it have already been accepted by Mrs. Vijaya Lakshmi Pandit, Nawab Ali Yar Jung, Mr. Justice Chagla, Mr. Frank Anthony, Mr. K. P. S. Menon and Mr. R. M. Deshmukh. Attached to the delegation will be a strong and representative body of Advisers.

"The most important item on the agenda from India's point of view is the case against South Africa. It is understood that South Africa will contend that the matter is not within the jurisdiction of the General Assembly as it is essentially one of domestic jurisdiction. With this contention the Government of India do not agree. In their view the treatment of Indians in South Africa is fundamentally a moral and human issue which, in view of the 'purposes' and 'principles' so clearly stated in the Charter of the United Nations, the General Assembly cannot disregard.

"A further important matter will be that of the new International Trusteeship system. The Indian Delegation will stress the point that sovereignty everywhere vests in the people of a country. If for any reason immediate independence is not feasible, then India would not object to the territory being placed under United Nations trusteeship for a limited period. The attitude of the delegation will be that all Asians and the people of dependent countries stand together for freedom and for emancipation from foreign control, as this is the only way to bring about world peace and progress.

"Another item of importance concerns the Union of South Africa's wish to absorb the Mandated Territory of South-West Africa. This proposition India's delegation will oppose on a point of principle; the Government of India consider that Annexation of a Mandated Territory would be fundamentally opposed to the conception of mandates and trusteeship and that sovereignty resides ultimately in the people of a territory, whose wishes and interests are paramount. The correct course, in their view, would be for S.-W. Africa to be placed first under trusteeship of the Trusteeship Council and General Assembly of the United Nations and then to consider its future.

"Two items on the agenda have to do with the privilege of veto enjoyed by the Five Great Powers in the Security Council—or as those countries prefer to term it, the "rule of great power unanimity." The attitude of the delegation towards this controversial issue will be that, although on principle India cannot like such an essentially undemocratic provision in the Charter she attaches the greatest importance to the continuance of great power unanimity and co-operation within the framework of the United Nations and would do nothing to prejudice that position."

Speaking on the Paris Peace Conference Pandit Nehru said:

"Progress in the conference now in session in Paris to decide terms of peace with Italy, Rumania, Bulgaria, Hungary and Finland has been regrettably, but perhaps understandably slow. India's delegation has wherever possible followed an independent line of fair compromise, and has supported those proposals which seemed to offer the solution most generally equitable. The delegation has throughout borne clearly in mind the humanitarian aspect of each problem confronting the conference.

"For two reasons India has refrained from presenting a formal claim for reparations from Italy: first, because she has no wish to reduce the amount of reparations available for distribution to countries whose claims may be entitled to priority of consideration, and second, because she preferred not to add to that heavy burden which Italy must carry up the steep hill towards economic recovery. The delegation has, however, reserved the right to utilize Italian assets in India towards liquidating Indian nationals' claim to compensation for damage arising out of the war, and for meeting in part certain other claims.

"India's concern in the future of the ex-Italian Colonies in Africa has been made fully apparent. Discussion on this issue ended yesterday, and a position in which India will be consulted before any final decision is taken, is assured."

Dealing with India's existing relations with other countries, Pandit Nehru gave the following picture:

**East Africa:** The Immigration Bills introduced in the legislatures of three of the East African colonies had caused a great deal of apprehension, both in India and among Indians in those colonies. The delegation headed by Raja Sir Maharaj Singh contacted the people there—Indians, Africans, Europeans and others—and the Government of India were awaiting its report.

**Ceylon:** "Unfortunately, there has been, for some time past, a kind of impasse with regard to our relations with Ceylon," said Pandit Nehru. "Many things have happened there in recent months or years for the matter of that, which have agitated Indian opinion a great deal.

"But we have tried our utmost, and we propose to continue trying, to approach the people of Ceylon and the Ceylon Government in a friendly manner, because it is inevitable that Ceylon and India must pull together in future and we do not want a trace of bad blood between us."

Pandit Nehru said that he would make every effort to go to Ceylon, but he could not yet say definitely when he would be able to go.

**Burma:** Pandit Nehru welcomed the proposed formation of a new Government under Major-General Aung San. "We welcome it from many points of view, first of all, in the hope that this will lead rapidly to the freedom and independence of Burma. And, secondly, we not only hope but expect that the relations between our Government and the new Burmese Government will be friendly and cordial."

Pandit Nehru expressed gratitude to the new Governor of Burma for the withdrawal of certain trials that were proceeding against Indians there.

**Malaya:** Conditions there were none too good. The mission sent by Government and the Congress mission had returned after doing very good work. The Government of India had so far sent Rs. 10,00,000 to give relief to indigent Indians.

**Haj pilgrimage:** His Department had provided for 21,000 pilgrims from India but 4,000 or 5,000 more people were awaiting to go. Since he took charge, additional efforts had been made to secure shipping and it was hoped that one more ship, which could accommodate 1,200 or 1,500 pilgrims, might be available. Some had also been sent by air. His Department had appealed to the American authorities to supply shipping, if they could, and they had been good enough to say that they would do their utmost but he did not know whether they would succeed.

Replying to questions on India's foreign relations, Pandit Nehru said: "Obviously, in the future, we have to do two things: first, to have a much larger number of diplomatic representatives and, secondly, to deal with them direct. Naturally, often enough, we shall inform His Majesty's Government of what we have done, but the point is that direction and advice will go form here and not from the Foreign Office in London. We hope fairly soon to have regular diplomatic representatives in some countries, probably beginning with U.S. and China. We have at present Agents-

General in Nanking and Washington and so we have contacts which we can develop. We can give them a higher status and have direct relations with these Governments.

"We should like the same type of relations with Russia but for the moment we have none and we have to explore, investigate and then establish it after consultation with the Soviet Government. We certainly want to develop those relations from every point of view, because apart from Russia's intrinsic importance in world affairs today, the Soviet Union is our neighbour, and it is always desirable to have neighbourly relations with neighbours."

Asked what the status of our representatives would be in Nanking and Washington, Pandit Nehru said that the designation had not been finally settled, but it might very well be Ambassador.

The Government of India would informally contact the various countries of Europe, including, of course, France, and find out exactly what kind of representatives they would like to exchange with us. This applied also to Russia and the various countries of Asia. Government intended to send a goodwill mission to the Middle Eastern countries—Egypt, Iran, Iraq, not with a view to conveying any special political message but a message of goodwill and friendliness and our desire to have closer relations, diplomatic, cultural, etc.

"We hope we shall be able to get Maulana Abul Kalam Azad to lead it," he said. The personnel of the mission to Europe had not yet been chosen, but it was hoped that one of the persons who would help us in this matter would be Mr. Krishna Menon (President of the India League, London). He did not know whether Mr. Menon would go to Russia. That would depend upon arrangements to be made later.

Asked whether the Government of India intended sending other Indian women to international conferences as they were sending Mrs. Pandit to the UNO General Assembly, Pandit Nehru said: "We will be very glad to send them not only to these international conferences but to appoint them permanently as Ministers and Ambassadors."

Referring to the High Commissioner's Office in London, Pandit Nehru said that so far it had hardly dealt with political matters. It was mainly concerned with pay, pensions and some other odd jobs but obviously, in the changed circumstances, this office, by whatever name it was called, was likely to be much more important than it had been in the past.

Asked whether he foresaw any contingency in which India's policy would be directly opposed to that of Great Britain in international conferences, Pandit Nehru said: 'Even in the past, to some extent India has voted against a British proposal. That has happened and it is quite conceivable that many such occasions may arise. Naturally, India, in any international conference or elsewhere, goes there not to quarrel with people but to get things done, as far as possible, in her own way. It is not always possible to get one's way in these international conferences and, as you see, there are all manner of groupings and pulls in different directions and an issue which seems quite simple is not simple because the background is very difficult, but occasions may arise when India may be opposed to the foreign policy of any country, including England.

Pandit Nehru explained that if the new Government had wanted to change the personnel of the delegation to the Paris Conference it could certainly have done so, but, things being what they were at the conference, they did not think it worth while in the last stages to make any changes. "But whoever the delegates or representatives are and whatever their previous backgrounds may be, obviously they have to carry out instructions sent from here. Maybe, in some matters they have no instructions, because amendments come up suddenly and in large numbers, and it is not easy to keep pace with them. Then they have to exercise their discretion within the larger instructions sent to them."

Pandit Nehru said that the term of office of those who represented India in various countries had expired or was on the point of expiring and the question of fresh appointments was before Government.

He replied in the affirmative to a question whether the status of diplomatic representatives would be reciprocal. If we sent an Ambassador to Washington or Nanking, they would also send an Ambassador to New Delhi. The Australian Minister for Foreign Affairs had informally indicated to the Government of India that the Australian Government would be happy to raise the status of the Australian High Commissioner here to that of Minister. Naturally, that meant that our representative in Australia would also become a Minister.

Asked whether we would function at international conferences as one bloc with the Commonwealth countries. Pandit Nehru said: "We are going to function just as a bloc in the sense that we must follow whichever way the bloc goes. We shall confer with them. We shall try to get them round to our viewpoint. When we do not succeed, we shall differ and go our way."

In the past, said Pandit Nehru, the Indian delegates had functioned very much like a kind of camp followers of the British delegation. About 15 to 20 years ago, they were practically appointed by the Secretary of State in consultation with the Government of India or *vice versa*. That practice had been gradually fading off although it did exist. He believed that it was growing more common at these conferences for the Indian delegates to confer occasionally with representatives from Asian countries, because they felt that Asia had certain interests which they should protect, all together. Normally speaking, Asia's representation of international conferences, bodies and commissions was very poor compared to Europe's. Whenever such a matter arose, which was an Asian question, they all held together, may be with other countries like Egypt.

Pandit Nehru said it was a very well known fact that Indians were hundred per cent, in sympathy with the Indonesian Republic. "We want them to win through and establish their freedom in Indonesia, and we should like to help and support them in every way in their task. We have not recognised the Indonesian Republic in the formal sense that nations recognise other nations, but in practice we recognise it."

It was conceivable, said Pandit Nehru, that our views in regard to this matter or in regard to Iran were not exactly the same as the British Government's. "Our interests may not be the same. We have no interest in policing other countries' affairs.

"The British Empire, being a very spread-out organism, obviously has all manner of interest with which we may not be concerned. In fact we might be apprehensive of being dragged into other people's quarrels. We do not want that to happen. All these matters are in a transitional stage. What we are aiming at is quite clear; what we can or we may do tomorrow is not quite so clear."

Asked as to what extent his department would be in a position to work towards the withdrawal of British troops from countries to which the British had sent them, Pandit Nehru said: "We are entirely opposed to policing other countries, and more especially opposed to the use of any Indian resources, men or money, in opposition to the national movement in any other country. We should like to have all our Indian troops back in India, wherever they may be. We have been assured that this process is going on. It seems to us that it has taken longer than it need have done, but the principle is admitted that, they must come back. For instance, from Indonesia many have come back. A fair number still remains there, but we are told that all of them will be back by the end of November. "Apart from the question of shipping whenever the question of troops comes in, one has to deal with complicated and rather static organisms like War Offices."

In passing, Pandit Nehru mentioned that the military authorities in Java did not give proper facilities for the transport of Indonesian rice

allocated to India. "We have taken up a very strong line in regard to that matter," he said.

"The kernel of our policy," said Pandit Nehru, "is the ending of colonialism all over Asia, or for that matter, in Africa and elsewhere, and racial equality, or I should say, equality of opportunity for all races, no legal bar, etc., and the end of domination or exploitation of one nation by another."

Replying to another question, Pandit Nehru said that ultimately India's representative in London, whether he was called Ambassador or by whatever designation, would deal with India's relations with England direct. The India Office was bound to be liquidated anyhow. Exactly when it would be liquidated, he could not say.

India would follow a very friendly policy towards Nepal, Bhutan and Sikkim, said Pandit Nehru. In reply to a further question about Nepal, he said: "Nepal is an independent country so far as we are concerned. If, in future, Nepal chooses to have some kind of closer union with India, we shall welcome it."

Questioned whether the appointment of a Minister or Ambassador to China or the U.S.A. would take place in the near future, Pandit Nehru said: "I should say it might well take place within the next two or three months or sooner."

Referring to the North-West Frontier tribal question, Pandit Nehru said he believed that the North-West Frontier Province Ministry did not know anything about the recent bombing operations till about the end of August. When he took charge, on September 2, in effect largely the operations had more or less concluded. For the first three or four days, till September 6 or so, he did not know anything about them. "When I heard of this bombing, I was terribly worried because it was an urgent and vital matter, but as that ended, we got some leisure to think about it and we are thinking about it and, I hope, maybe early next month, to pay short visit to these tribal areas myself to meet the people chiefly concerned, that is the Governor, the tribal people, the Frontier Government, and then come back here and, in consultation with others, to lay down some general lines of policy which could be discussed by the Cabinet."

Pandit Nehru added: "We shall seek the good offices of Khan Abdul Gaffar Khan and, in fact, I hope to have him with me."

Pandit Nehru pointed out that the positive policy they had to pursue in the tribal areas would also depend on certain external factors like Afghanistan. The matter was very complicated. On the one hand, the people of the Frontier, for various reasons, economic or other, sometimes indulged in raids, kidnapping and killing people and this kind of thing could not be tolerated. "On the other hand, our approach to the question ought to be as friendly as possible but also as firm as possible."

The fundamental thing was that we could not possibly go on just in the way we had been going on. Behind all this probably was the economic background. If mineral resources were available in the tribal areas—he did not yet know whether they existed—we might develop them. We might develop hospitals, schools and the rest. He thought that the spending of a large amount of money, as done in the past as some kind of bribe or hush money, was not a good way of producing a right psychology in a people. That money, he would still like to go to those frontier areas as without it, there might be a crisis, but he would like it to go in for constructive efforts which would raise their standards and give them new employment.

Referring to the Advisory Council suggested for Baluchistan, preliminary to the introduction of a fuller democratic system of administration, Pandit Nehru said he did not know Baluchistan sufficiently, but the three organisations he had heard and, therefore, suggested were the Anjuman-e-Watan, the Muslim League and the Jamiat-ul-Ulema. This course was suggested in view of the fact that it would have taken six or

eight months to prepare electoral rolls. "Constitutionally, it will be an advisory body, but, in practice, we hope it will be much more. We cannot suddenly change the constitution", he said.

Referring to the proposed Indian delegation to UNO, Pandit Nehru said that originally Government had invited Syed Raza Ali and Pandit Hridaya Nath Kunzru. Neither of them was able to accept. Later, Mr. Neogy was invited and he accepted, but he had later informed the delegation that he would be unable to go owing to more or less domestic reasons. "We have to send a maximum of five delegates and a fairly large number of officers, some of whom may be alternate delegates. So in effect, we have to find possibly one more person as a delegate. We have got two or three persons in view."

As regards foreign possessions in India, Pandit Nehru drew attention to the declaration by the Governor of French India, that he would abide by the decision of the inhabitants of French India about their future, and said, "There is no difficulty about French India as far as I can see. There is at present a difficulty about Portuguese India, which, I regret to say, is in a deplorable condition at the present moment and for some time past now. Obviously, this state of affairs cannot continue long in Goa. It is bad for Goa and bad for the people around Goa, but for the moment I am not aware of any governmental action about to be taken, because obviously, although it is a small bit of India, it raises international issues. If an international issue comes in our way, we will have to deal with it, but for the moment we have so many big problems to deal with, that an issue which might resolve by itself need not be raised by us, as Government."—A.P.I.

## THE MUSLIM LEAGUE JOINS THE INTERIM GOVERNMENT (15-10-1946)

The Muslim League has decided to join the Interim Government it is officially announced today, and His Majesty the King has been pleased to appoint the following to the members of the Interim Government:—

Mr. Liaquat Ali Khan,
Mr. I. I. Chundrigar,
Mr. Abdur Rab Nishtar,
Mr. Ghaznafar Ali Khan,
Mr. Jogendra Nath Mandal.

In order to make it possible to reform the Cabinet the following members have tendered their resignations:—

Mr. Sarat Chandra Bose,
Sir Shafaat Ahmad Khan,
Syed Ali Zaheer.

The members of the present Cabinet who will contiune to serve are the following: Pandit Jawaharlal Nehru, Sardar Vallabhbhai Patel, Dr. Rajendra Prasad, Mr. Asaf Ali, Mr. C. Rajagopalachari, Dr. John Matthai, Sardar Baldev Singh, Mr. Jagjivan Ram and Mr. C. H Bhabha.

The distribution of portfolios will be settled early next week and the new members will then be sworn in. Meanwhile H. E. the Viceroy has asked the resigning members to continue in charge of their portfolios.

## MR. JINNAH ON CONGRESS-LEAGUE NEGOTIATIONS: CORRESPONDENCE RELEASED (16-10-1946)

Mr. M. A. Jinnah, President of the All-India Muslim League, has issued the following statement to the press: "There has been considerable speculation indulged in by the press, and varying incorrect accounts are being given, about the negotiations between the Congress and the Muslim League and with regard to the termination of those discussions.

"It was, therefore, agreed between Pandit Jawaharlal Nehru and me that, in order to put the true facts before the public, the correspondence that has passed between us should be released and, accordingly, I am doing so."

### LETTER FROM PANDIT JAWAHARLAL NEHRU TO MR. M. A. JINNAH DATED 6-10-1946.

"I have consulted some of my colleagues about the matters discussed by us yesterday and over the possibility of a rapprochement between the Muslim League and the Congress. We are all agreed that nothing could be happier and better for the country than that these two organisations should meet again as before as friends, having no mental reservations and bent on resolving all their differences by mutual consultation and never desiring or allowing the intervention of the British Government through the Viceroy or others or of any other foreign Power. We would, therefore, welcome the decision of the League to join the Interim Government for it to work as a united team on behalf of India as a whole.

"The points put forward by you in our conversation yesterday were:

(1) the formula suggested to you by Gandhiji;

(2) the League not being responsible for the members at present representing the Scheduled Castes and the Minorities;

(3) what should be done in case any vacancy should arise among the members representing the Minorities other than the Scheduled Castes;

(4) the procedure to be adopted over what may be called major communal issues; and

(5) alternating Vice-Presidentship.

"Regarding No. 1, we feel that the formula is not happily worded. We do not question the purpose underlying it. We are willing, as a result of the elections, to accept the Muslim League as the authoritative representative organisation of an overwhelming majoirty of the Muslims of India and that as such and in accordance with democratic principles they have today the unquestionable right to represent the Muslims of India, provided that for identical reasons the League recognises the Congress as the authoritative organisation repersenting all non-Muslims and such Muslims as have thrown in their lot with the Congress. The Congress cannot agree to any restriction or limitations to be put upon it in choosing such representatives as they think proper from amongst the members of the Congress. We would suggest, therefore, that no formula is necessary and each organisation may stand on its merits.

"Regarding No. 2, I am to say that the question of the League being responsible does not arise and, as you do not raise any objections to the present constitution of the Government in this respect, there is no question to be solved.

"Regarding No. 3, I am to say that if any such vacancy arises, the whole Cabinet will consider what should be done to replace the vacancy and advise the Viceroy accordingly. There can be no question of right in the matter of consultation with the League in regard to the representation of these minorities.

"Regarding No. 4, your suggestion about the Federal Court is not feasible. Matters coming before the Cabinet cannot be made subject-

matter of references to a Court. We should thrash out all such matters amongst ourselves and bring up agreed proposals before the Cabinet. In the event of failure to reach an agreed decision; we should seek the method of arbitration of our own choice. We hope, however, that we will act with such mutual trust, forbearance and friendliness that there will be no occasion to go to such arbitration.

"Regarding No. 5, it is out of the question to have any rotation in the vice-presidentship. We have no objection if you desire to have additional Vice-Chairman for the Co-ordination Committee of the Cabinet, who can also preside at such committee meetings from time to time.

"I am hoping that if your committee finally decide upon the League joining the National Cabinet, they will also decide simultaneously to join the Constituent Assembly or recommend to your Council to this effect.

"I need hardly mention that when an agreement has been reached by us, it can only be carried by mutual agreement and not otherwise."

**LETTER FROM MR. M. A. JINNAH TO PANDIT JAWAHARLAL NEHRU, DATED 7-10-1946.**

"I am in receipt of your letter of October 6, 1946, and I thank you for it; I appreciate and reciprocate your sentiments expressed in Paragraph 1 of your letter.

"With regard to the second paragraph, of your letter, point No. 1, the formula, it was accepted by Mr. Gandhi and me and the meeting between us was arranged on that basis in order to negotiate and settle a few other points remaining for the purpose of reconstituting the Interim Government. The formula runs as follows:

'The Congress does not challenge and accepts that the Muslim League now is the authoritative representative of an overwhelming majority of the Muslims in India. As such and in accordance with democratic principles they alone have today an unquestionable right to represent the Muslims of India. But the Congress cannot agree that any restriction or limitation should be put upon the Congress to choose such representatives as they think proper from amongst the members of the Congress as their representatives.'

"And now, in your letter under reply, not only you have made changes in it but you consider no formula is necessary! I regret I cannot agree to any change in the language or otherwise, as it was the agreed basis of our discussion on other points; nor can I agree with you that no formula is necessary. It was signed by Mr. Gandhi and accepted by me.

"As the whole basis of our talk on other matters was the formula agreed to by Mr. Gandhi, I don't think we can make any further progress unless it is accepted by you as a basis upon which we can proceed to discuss other points we have already discussed orally in the course of our conversations, and now I am enclosing herewith a copy of the various points put by me before you in writing.

"Even the four points, excluding point No. 1 regarding the formula which I have already dealt with above, you don't agree with any one of them. I am still willing, on the basis of the formula being accepted by you, to further discuss the various points with a view to settling them in the spirit of the sentiments expressed by you in Paragraph I. I am anxious that we should come to our own settlement without undue delay."

(1) The total number of the members of the Executive Council to be 14.

(2) Six nominees of the Congress will include one Scheduled Caste representative, but it must not be taken that the Muslim League has agreed to, or approves of, the selection of the Scheduled Castes representative, the ultimate responsibility in that behalf being with the Governor-General and Viceroy.

(3) That the Congress should not include in the remaining five members of their quota a Muslim of their choice.

(4) Safeguard: That there should be a convention that on major communal issues, if the majority of Hindu or Muslim members of the Executive Council are opposed, then no decision should be taken.

(5) Alternative or rotational Vice-President should be appointed in fairness to both the major communities as it was adopted in the UNO Conference.

(6) The Muslim League was not consulted in the selection of the three minority representatives, that is, Sikh, Indian Christian and Parsi. And it should not be taken that the Muslim League approves of the selection that has been made. But in future, in the event of there being a vacancy owing to death, resignation or otherwise, representatives of these minorities should be chosen in consultation with the two major parties —the Muslim League and the Congress.

(7) Portfolios: The most important portfolios should be equally distributed between the two major parties—the Muslim League and the Congress.

(8) That the above arrangement should not be changed or modified unless both the major parties—the Muslim League and the Congress—agree.

(9) The question of the settlement of the long-term plan should stand over until a better and more conducive atmosphere is created and an agreement has been reached on the points stated above and after the Interim Government has been re-formed and finally set up."

**LETTER FROM PANDIT JAWAHARLAL, NEHRU TO MR. JINNAH, DATED 8-10-1946.**

"I received your letter of October 7 as I was going to Baroda House to meet you there last evening. I hurriedly glanced through it and was perturbed by it as it seemed to me to be at variance with the spirit of our talk the previous day. Subsequently we discussed various points and unfortunately could not convince each other.

"On my return I read through your letter more carefully and consulted my colleagues. They were also disturbed not only by the letter but also by the list of points attached to it. This list had not been seen or considered by us previously. It had little relevance after our talk.

"We have again given earnest consideration to the whole matter and we feel that we cannot state our position more clearly than I did in my letter to you of October 6, except for some variations which I shall indicate below. I shall, therefore, refer to you to that letter of mine which represents our general and specific viewpoints.

"As I have told you, my colleagues and I did not accept the formula agreed to by Gandhiji and you. The meeting between you and me was not arranged, so far as I was aware, on the agreed basis of that formula. We knew of it and were prepared to agree to the substance of that formula as stated to you in my letter of October 6. That formula contained a further paragraph which you have not quoted in your letter:

"It is understood that all the ministers of the Interim Government will work as a team for the good of the whole of India and will never invoke the intervention of the Governor-General in any case.'

"While we still think that the formula is not happily worded, we are prepared, for the sake of the settlement we so earnestly desire, to accept the whole of it, including the paragraph left out in your letter.

"In that case you will agree, I hope, that we should make our further position quite clear. It is clearly understood, of course, that the Congress has the right to appoint a Muslim out of its quota. Further, as I have stated in my previous letter, the Congress position in regard to the Nationalist Muslims and the smaller minorities should not be challenged by you.

"In regard to points numbered two, three and four in my letter of October 6, I have stated our position and have nothing further to add.

We have gone as far as we could to meet you and we are unable to go further. I trust that you will appreciate the position.

"Regarding No. 5 (the question of the Vice-President) you made a suggestion yesterday that the Vice-President and the Leader of the House (the Central Assembly) should not be the same person. In the present circumstances this means that the Leader of the House should be a Muslim League member of the Cabinet. We shall agree to this.

"I am writing this letter to you after full and careful consideration of all the issues involved and after consulting such of my colleagues as are here. It is in no spirit of carrying on an argument that I have written but rather to indicate to you our earnest desire to come to an agreement. We have discussed these matters sufficiently and the time has come for us to decide finally."

**LETTER FROM MR. M. A. JINNAH TO PANDIT JAWAHARLAL NEHRU, DATED 12-10-1946.**

"I received your letter dated October 8, 1946, yesterday in reply to my letter of October 7, 1946.

"I regret that you and your colleagues do not accept the formula agreed to by Mr. Gandhi and me. Mr. Gandhi and I had also agreed that on that basis you and I should meet in order to negotiate and settle a few other points that remained for the purpose of reconstituting the Interim Government. Accordingly, arrangements were made for our meeting on October 5.

"I am surprised to gather from your letter, when you say that the meeting was not arranged, so far as you were aware, on the agreed basis of that formula. The only formula agreed upon between Mr. Gandhi and me was that which was mentioned in my letter of October 7, 1946. I had not mentioned in my letter what is referred to by you as Paragarph 2 as that was one of the points among others to be further examined and discussed by you and me. This arrangement was actually put on record.

"At our first meeting on October 5, we discussed all the points and you informed me that you will let me know the time that will suit you to meet me the next day, but, instead of that, I received your letter of October 6, 1946. In this letter you yourself referred to the formula as one mentioned in my letter of October 7, and expressed your view that the formula was not happily worded and suggested a modification by inserting a proviso as follows:—

'Provided that for identical reasons the League recognizes the Congress as the authoritative organisation representing all non-Muslims and such Muslims as have thrown in their lot with the Congress.'

or else, if that was not agreed to, you suggested no formula was necessary. There is no reference in your letter to what you describe as Paragraph 2 as part of the agreed formula and you yourself dealt with that point quite separately in the opening paragraph of your letter which runs as follows:—

'We are all agreed that nothing would be happier and better for the country than that these two organisations should meet again as before as friends, having no mental reservations, by mutual consultation and never desiring or allowing the intervention of the British Government through the Viceroy or others or of any other foreign power.'

"That, in substance, was the idea of Paragraph 2, mentioned by you, which among other matters was to be examined and discussed. I also referred to this matter in my reply stating that I appreciated and reciprocated the sentiments expressed in Paragraph 1 of your letter of October 6, 1946.

"I fail to understand why you and your colleagues should have been disturbed not only by my letter of October 7, but also by the list of points attached to it. There was nothing new in that list of points which we had not discussed the first day, as it is clear from your letter of October 6, wherein you yourself have dealt with every one of the points mentioned in the list that I sent you. Let me take one by one the points in the list sent to you in writing:—

(1) Total number of 14: That was not in dispute.

(2) The Scheduled Castes Representative: That the League must not be taken to have agreed or approved of the selection, which is referred to in paragraph 2 of your letter.

(3) Nomination of Muslim in Congress quota: The matter was discussed.

(4) Safeguard: That was discussed as is clear form point four in your letter.

(5) Alternative or rotational Vice President: This was discussed and is referred to as point No. 5 in your letter.

(6) Vacancies occurring in the seats allotted to minority representatives. This matter was discussed and is referred to by you in your letter point No. 3.

(7) Portfolios: The matter was discussed.

(8) No change in the arrangements agreed to without the consent of both the major parties: This was discussed and is referred to in the last paragraph of your letter.

(9) The long-term questions: This was discussed and is mentioned in your letter, in the last but one paragraph.

"All these points were discussed as is celar from what I have pointed out above and the list was sent to you merely as a matter of convenience and preciseness.

"You state in your letter under reply that your position is the same with regard to the various matters that were discussed between us as is mentioned in your letter of October 6 except for some variations which you have indicated in your letter.

"The following are the variations and my reaction to them:

(1) That you would accept the formula provided Paragraph 2 is included in the formula and is made a part of it.—This constitutes a fundamental departure from the original formula upon the basis of which I had agreed to have discussions with you. I cannot agree to this variation.

(2) Provided that the Muslim League does not challenge that the Congress represents the minorities and the 'Nationalist Muslims as indicated in terms of your previous letter of October 6 and referred to in your letter under reply.—This again is a serious departure from the agreed formula. Besides, this is a matter for the Minorities concerned.

"I note what you say with regard to points two, three and four of your letter of October 6, that is, Scheduled Castes representative and other Minorities, the position about the vacancies occurring in future and the procedure to be adopted with regard to major communal issues. Even with regard to these points there is no agreement between us."

"With regard to point No. 5 about Vice-Presidentship, I note what you say.

"Since you have stated your position after full and careful consideration of all the issues involved and after consultation with your colleagues I presume that it follows that this is your final stand. I deeply regret that we have failed to come to an honourable agreement of our own, satisfactory to both the parties."

**LETTER FROM PANDIT JAWAHARLAL NEHRU TO MR. M. A. JINNAH, DATED 13-10-46.**

"I thank you for your letter of October 12. In this letter there are a number of mis-statements. What you have said does not fit in with my recollection of our conversations or what has taken place during the past few days. I need not, however, go into this matter now as I have been informed by the Viceroy that the Muslim League have agreed to nominate five persons on their behalf as members of the Interim Government."

## LORD WAVELL'S REPLY TO MR. JINNAH (28-10-1946)

The following letters exchanged between the Muslim League President, Mr. M. A. Jinnah, and the Viceroy during the recent negotiations have been released to the press by Mr. Jinnah:

**Letter from Mr. Jinnah to the Viceroy dated October 3:**

"Dear Lord Wavell—At the end of our last interview on October 2, 1946, it was agreed that I should finally put before you the various proposals that emerged out of our discussions, for your consideration and reply. Accordingly, I am enclosing herewith the various proposals that have been formulated by me.

Mr. Jinnah's Points:—

1. The total number of the members of the Executive Council to be 14.

2. Six nominees of the Congress will include one Scheduled Castes representative, but it must not be taken that the Muslim League has agreed to or approves of, the selection of the Scheduled Castes representative, the ultimate responsibility in that behalf being with the Governor-General and the Viceroy.

3. That the Congress should not include in the remaining five members of their quota a Muslim of their choice.

4. Safeguard: That there should be a convention that on major communal issues, if the majority of Hindu or Muslim members of the Executive Council are opposed, then no decision should be taken.

**Letter from H. E. the Viceroy to Mr. Jinnah dated October 4:**

Dear Mr. Jinnah,—Thank you for your letter dated yesterday. My replies to your nine points are as follows:

Viceroy's Replies:—

This agreed.

I note what you say and accept that the responsibility is mine.

I am unable to agree to this. Each party must be equally free to nominate its own representatives.

In a coalition Government it is impossible to decide major matters of policy when one of the main parties to the coalition is strongly against a course of action proposed. My present colleagues and I are agreed that it would be fatal to allow major communal issues to be decided by vote in the Cabinet. The efficiency and prestige of the Interim Government will depend on ensuring that differences are resolved in advance of Cabinet meetings by friendly discussions. A coalition Government either works by a process of mutual adjustments or does not work at all.

5. Alternative or rotational Vice-President should be appointed in fairness to both the major communities as it was adopted in the UNO Conference.

The arrangement of alternative or rotational Vice-Presidents would present practical difficulty and I do not consider it feasible. I will, however, arrange to nominate a Muslim League member to preside over the Cabinet in the event of the Governor-General and the Vice-President being absent.

I will also nominate a Muslim League member as Vice-Chairman of the Co-ordination Committee of the Cabinet, which is a most important post. I am chairman of this Committee and in the past have presided almost invariably, but I shall probably do so only on special occasions in future.

6. The Muslim League was not consulted in the selection of the three minority representatives, that is Sikh, Indian Christian and Parsi, and it should not be taken that the Muslim League approves of the selection that has been made. But in future, in the event of there being a vacancy owing to death, resignation or otherwise, representatives of these minorities should be chosen in consultation with the two major parties—The Muslim League and the Congress.

I accept that both major parties would be consulted before filling a vacancy in any of these three seats.

7. Portfolios:—The most important portfolios should be equally distributed between the two major parties—the Muslim League and the Congress

In the present conditions all the portfolios in the Cabinet are of great importance and it is a matter of opinion which are the most important. The minority representatives cannot be excluded from a share of the major portfolios and it would also be suitable to continue Mr. Jagjivan Ram in the Labour portfolio. But subject to this, there can be equal distribution of the most important portfolios between the Congress and the Muslim League. Details would be a matter for negotiation.

8. That the above arrangement should not be changed or modified unless both the major parties—the Muslim League and the Congress—agree.

I agree.

9. The question of the settlement of the long-term plan should stand over until a better and more conducive atmosphere is created and an agreement has been reached on the points stated after the Interim Government has been reformed and finally set up.

Since the basis for participation in the Cabinet is of course acceptance of the statement of May 16, I assume that the League Council will meet at a very early date to reconsider its Bombay resolution.

Yours sincerely,
(Sd.) M. A. Jinnah."

Yours sincerely,
(Sd.) WAVELL.

**LETTER FROM H. E. THE VICEROY TO MR. JINNAH, DATED 12-10-46.**

"Dear Mr. Jinnah,—I confirm what I told you this evening, that the Muslim League are at liberty to nominate any one they wish for their own quota of seats in the Cabinet, though any person proposed must, of course, be accepted by me and by His Majesty before being appointed.

My intention is to discuss portfolios when all the names have been received, both from the Muslim League and the Congress.

Yours sincerely,

(Sd.) WAVELL."

**LETTER FROM MR. JINNAH TO THE VICEROY, DATED 13-10-1946.**

"Dear Lord Wavell,—The Working Committee of the All-India Muslim League have considered the whole matter fully and I am now authorised to state that they do not approve of the basis and scheme of setting up the Interim Government which has been decided by you, presumably with the authority of His Majesty's Government.

"Therefore, the Committee do not, and cannot agree with your decision already taken, nor with the arrangements you have already made.

"We consider and maintain that the imposition of this decision is contrary to the declaration of August 8, but since, according to your decision we have a right to nominate five members of the Executive Council on behalf of the Muslim League, my committee, have, for various reasons, come to the conclusion that in the interests of Mussalmans and other communities it will be fatal to leave the entire field of administration of the Central Government in the hands of the Congress. Besides you may be forced to have in your Interim Government Muslims who would not command the respect and confidence of Muslim India which would lead to very serious consequences; and, lastly, for other very weighty grounds and reasons, which are obvious and need not be mentioned, we have decided to nominate five on behalf of the Muslim League in terms of your broadcast dated August 24, 1946 and your two letters to me dated October 4 and 12 respectively, embodying clarifications and assurances.

Yours sincerely,

(Sd.) M. A. JINNAH."

**LETTER FROM THE VICEROY TO MR. JINNAH, DATED 13-10-1946.**

"Dear Mr Jinnah,—Thank you for your letter of today's date. I am glad to know that the Muslim League has decided to join the Interim Government. Will you please let me have the names of the five representatives, as they have to be submitted to His Majesty for approval, and I should like to re-form the Government as soon as possible.

"You promised yesterday that you would let me have the names today.

Yours sincerely,

(Sd.) WAVELL."

**LETTER FROM MR. JINNAH TO THE VICEROY, DATED 14-10-1946.**

"Dear Lord Wavell—I thank you for your letter of October 13.

"I am now sending you names of five nominees on behalf of the Muslim League as arranged in our interview of yesterday.

(1) Mr. Liaquat Ali Khan, Honorary Secretary, All-India Muslim League, M.L.A. (Central).

(2) Mr. I. I. Chundrigar, M.L.A., (Bombay), Leader, Muslim League Party in the Bombay Legislative Assembly and President of the Bombay Provincial Muslim League.

(3) Mr. Abdur Rab Nishtar, Advocate (N.W.F.P.), member, Working Committee, All-India Muslim League Committee of Action and Council.

(4) Mr. Ghaznafar Ali Khan, M.L.A. (Punjab), member, All-India Muslim League Council, Provincial Muslim League and member of the Punjab Muslim League Working Committee.

(5) Mr. Jogendra Nath Mandal, Advocate (Bengal), at present Minister of the Bengal Government.

Yours sincerely,
(Sd.) M. A. JINNAH."

**LETTER FROM THE VICEROY TO MR. JINNAH, DATED 27-10-1946.**

"Dear Mr. Jinnah—The portfolios that I can offer the Muslim League in the Interim Government are the following: Finance, Commerce, Posts and Air, Health and Legislative.

"I should be grateful if you would let me know how you would propose that these portfolios should be distributed among the Muslim League representatives in the Cabinet.

"I should like to get an announcement out tonight, and to swear in the new members whom I shall warmly welcome tomorrow.

Yours sincerely,
(Sd.) WAVELL."

**LETTER FROM MR. JINNAH TO THE VICEROY, DATED 27-10-1946.**

"Dear Lord Wavell—I am in receipt of your letter of October 25, 1946, at 5-30 p.m. communicating your decision regarding portfolios.

"I am sorry I cannot say that it is an equitable distribution, but we have discussed all the pros and cons, and as you have taken your final decision, I need not go into the matter further.

"I am sending you below the names of the nominees of the Muslim League showing how these portfolios should be distributed amongst them.

Finance—Mr. Liaquat Ali Khan,
Commerce—Mr. I. I. Chundrigar,
Posts and Air—Mr. A. R. Nishtar,
Health—Mr. Ghaznafar Ali Khan, and
Legislative—Mr. Jogendra Nath Mandal.

Yours sincerely,
(Sd.) M. A. JINNAH."

## THE INTERIM GOVERNMENT'S CONSTITUTIONAL POSITION (5-11-1946)

### [LORD PETHICK-LAWRENCE'S STATEMENT]

Lord Pethick-Lawrence, Secretary of State for India, stated in the House of Lords today that nothing which had passed in the correspondence between the Viceroy and the Indian party leaders involved any departure from the previous intentions of the British Government as to the constitutional position of the Interim Government.

He said this in declining to publish a White Paper setting out the details of the correspondence which preceded the formation of the Interim Government.

The Secretary of State added that the Viceroy had concurred in this.

The matter had been raised by the Marquis of Salisbury (Con.) who asked the Government how soon further papers would be laid on the table as to the events in India since last presented in July. He asked that the papers should deal with the following points: (1) the correspondence and the negotiations leading up to the formation of the Interim Government and, in particular, what guarantees had been given by Pandit Jawaharlal Nehru for the protection of minorities and (2) further setting out what had been the nature and extent of the recent riots in India, and (3) how far British troops had been used to intervene, and whether that had been done on the direct authority of the Viceroy.

Lord Pethick-Lawrence replied:

"The negotiations which have led to the setting up of the present Interim Government in India necessarily involved a large number of interviews between the Viceroy and the leaders of the two major parties. These interviews were interspersed with correspondence. There were also correspondence and discussions between party leaders themselves. The negotiations were of a confidential character, and agreed records of the interviews do not exist. The correspondence alone would not give a complete picture of the negotiations. It is true that part of this correspondence has been published in India on the initiative of party leaders, but publication of these documents as a White Paper would obviously be a very incomplete compilation and would not give to Parliament a full picture on which to base any considered conclusion."

Lord Pethick-Lawrence continued: "I can, however, inform your Lordships that nothing which has passed in this correspondence between the Viceroy and the party leaders involved any departure from the previous intentions of the British Government as to the constitutional position of the Interim Government.

"In these circumstances, the British Government do not propose to publish a White Paper setting out the details of the correspondence and the negotiations which preceded the formation of the Interim Government. The Viceroy concurs.

"With regard to other matters on which the noble Marquis asks for information these do not seem to His Majesty's Government to be suitable for inclusion in a White Paper. But so far as practicable, and in accord with public interests, I would endeavour to answer any questions in regard to them which the noble Lords may wish to put to me."

The Marquis of Salisbury said that the House was likely to be satisfied with the reply. He did not desire to press the Secretary of State at the present time but,undoubtedly, further questions would be put to him as soon as possible, and he hoped the Secretary of State would be in a position to answer far more fully than he had done today.—Reuter.

## POSITION OF INTERIM GOVERNMENT

Following the Secretary of State for India's statement in the House of Lords on 5th November, 1946 with regard to the constitutional position of the Interim Government Mr. H. V. Hodson late Commissioner of Reforms in India read the following paper on "India's Constitutional Task" to the East India Association, London, on 25th November, 1946. He said:

"India was committed to the achievement of her independence by legal and constitutional means and that was a tremendous achievement.

"When one thinks how catastrophic might be the consequences of interruption of the rule of law in India, one must be very thankful that the doctrine of a sudden enforced transfer of power and its little brother non-co-operation in lawful Government have been discarded by the main political parties at least for the time being," Mr. Hodson said, "To the extent that the Cabinet Mission helped to bring about this result, its visit may be counted a success. To speak of it's failure in the sense in which one might justly speak of the failure of the Cripps Mission of 1942 is a profound mistake."

Referring to the constitutional position of the Interim Government, Mr. Hodson expressed the opinion that the Constituent Assembly, even if it suffered no major breakdown, was going to take a long time to complete its task.

On the mere mechanics of the job confronting the Assembly, not counting any of the delays due to inevitable political and communal difficulties and deadlocks, he estimated that as the best part of two years. A parallel with the task of treaty-making in Europe was not inexact in view of the magnitude of the task.

Referring to the present Interim Government, the speaker said that for purposes of the transitional Government the 1942 Constitution had advantages over the Federal Plan of 1935 (which was not in fact applied). "The chief advantage is that there is no dyarchy," he added. "No exclusive field of powers in the Government of British India is reserved to the Viceroy.

"The authority of the Governor-General's Executive Council extends broadly over the whole range of powers exercised by the Central Legislature. They are in no way different in regard to Defence or Foreign Affairs than in regard to say, Railways or Ancient Monuments."

So far as the question of joint responsibility was concerned. the statement of Mr. Liaquat Ali Khan, chief Muslim representative in the Interim Government, denying joint responsibility of the Cabinet, was true in a political sense. But in a formal sense, Mr. Liaquat Ali Khan was definitely wrong. The Act laid down that decisions of the Governor-General's Executive Council are taken by a majority vote and become corporate decisions of the Government of India.

Referring to the Governor-General's right to veto, Mr. Hodson said: "It is a matter of politics and diplomacy rather than law. The Governor-General is bound to exercise his special responsibilities and his other personal functions according to his conscience, but his conscience cannot be legally impugned and its dictates are bound to be affected by policy approved by the Imperial Parliament of maximum 'de facto' autonomy for the Interim Government."

So far as the Constituent Assembly and its relations with the Governor-General were concerned, Mr. Hodson said, "It is true that in form the conduct and fortunes of the Constituent Assembly rest in Indian hands. The Governor-General has no part in it. But in practice who could doubt that his advice and aid will be constantly needed if innumerable obstacles to the success of the Assembly are to be overcome."

Mr. Hodson said that he attached little importance to the leaving of residuary powers to provinces. But the critical fact, he added, was that modern Governments had shown a constant trend towards centralisation of powers. India, by reason of her communal difficulties, was attempting to reverse this trend. The brief list of Union Powers was remarkable in his view for what it omitted.

In reference to the position of Indian States, Mr. Hodson expressed emphatically the view that implicit in the promise of independence for India had been the policy that States must be on an organic relationship with British India.

The treaties with States were in his opinion not matters of international law, but domestic arrangements under the Crown liable to be affected by a change of British policy for India as a whole. They were in the present stage on a footing with British pledges to minorities, in that both must be given a fair chance and a reasonable chance of self-defence.

He also expressed the view that immediate democratisation of States would lead to immense communal friction and this would add to the great problems India was facing.

Dealing with the position of minorities, Mr. Hodson said that the British system of Party Government has been proved unsuitable to Indian conditions. The Swiss system of what might be described as Committee Government, that is, election of Executive Councillors by proportionate representation by the Legislature seemed in many ways ideally adapted to India's peculiar difficulties, but it must be associated with a system of separate electorates.

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